

**SIMMONS HANLY CONROY LLC**

Deborah Rosenthal SBN 184241

drosenthal@simmonsfirm.com

455 Market Street, Suite 2220

San Francisco, CA 94105

Tel.: (415) 536-3986

**SIMMONS HANLY CONROY LLC**

Jayne Conroy (*pro hac vice*)

jconroy@simmonsfirm.com

Justin Presnal (*pro hac vice*)

jpresnal@simmonsfirm.com

112 Madison Avenue, 7th Floor

New York, NY 10016

Tel.: (212) 784-6400

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY  
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-md-03047-YGR

\_\_\_\_\_  
This Document Relates to:

**COMPLAINT**

SAMANTHA SKOLER,

Plaintiff,

v.

META PLATFORMS, INC., ET AL.,

Defendants.

Case No. 4:22-cv-\_\_\_\_\_  
\_\_\_\_\_

## I. INTRODUCTION

1. Over the last two decades, more and more of our lives have moved onto social media platforms and other digital public spaces. In this vast, still largely unregulated universe of digital public spaces, which are privately owned and primarily run for profit, there exists tension between what is best for technology companies' profit margins and what is best for the individual user (especially the predictable adolescent user) and for society. Business models are often built around maximizing user engagement, not to ensure that users engage with the platform and one another in safe and healthy ways. Technology companies focus on maximizing time spent, not time well spent. In recent years, there has been growing concern about the impact of digital technologies, particularly social media, on the mental health and wellbeing of adolescents. Many researchers argue that social media facilitates cyberbullying, contributes to obesity and eating disorders, instigates sleep deprivation to achieve around-the-clock platform engagement, encourages children to negatively compare themselves to others and develop a broad discontentment for life, and has been connected to depression, anxiety, self-harm, and ultimately suicide ideation, suicide attempts, and completed suicide.

2. This matter arises from an egregious breach of the public trust by Defendant Meta Platforms, Inc. ("Meta"). Meta was originally incorporated in Delaware on July 29, 2004, as "TheFacebook, Inc." On September 20, 2005, the company changed its name to "Facebook, Inc." On October 28, 2021, the company assumed its current designation. While Plaintiff has attempted to identify the specific Meta subsidiary(s) that committed each of the acts alleged in this Complaint, Plaintiff was not always able to do so, in large part due to ambiguities in Meta's and its subsidiaries' own documents, public representations, and lack of public information. However, upon information and belief, Meta oversees the operations of its various platforms and subsidiaries, some of which have been identified and are listed below. For this reason, unless otherwise

1 specified, the shorthand “Meta” contemplates the apparent control that Defendant Meta Platforms,  
2 Inc. wields over the subject social networks’ overall operations and, therefore, further refers to its  
3 various subsidiaries and predecessors. To the extent this assumption is incorrect, the knowledge  
4 of which Meta subsidiary, current or former, is responsible for specific conduct is knowledge  
5 solely within Defendants’ possession, the details of which Plaintiff should be permitted to  
6 elucidate during the discovery phase.

7  
8 3. Meta knowingly exploited its most vulnerable users—children throughout the  
9 world—to drive corporate profit. Meta operates the world’s largest family of social networks,  
10 enabling billions of users worldwide to connect, view, and share content through mobile devices,  
11 personal computers, and virtual reality headsets. A user does not have to pay to create an account.  
12 Instead of charging account holders to access the platform, Meta became one of the world’s most  
13 valuable companies from the sale of advertisement placements to marketers across its various  
14 platforms and applications. For example, upon information and belief, Meta generated \$69.7  
15 billion from advertising in 2019, more than 98% of its total revenue for the year. Meta can generate  
16 such revenues by marketing its user base to advertisers. Meta collects and analyzes data to assemble  
17 virtual dossiers on its users, covering hundreds if not thousands of user-specific data segments.  
18 This data collection and analysis allows advertisers to micro-target advertising and advertising  
19 dollars to very specific categories of users, who can be segregated into pools or lists using Meta’s  
20 data segments. Only a fraction of these data segments come from content that is explicitly  
21 designated by users for publication or explicitly provided by users in their account profiles. Many  
22 of these data segments are collected by Meta through surveillance of each user’s activity on the  
23 platform and off the platform, including behavioral surveillance that users are not even aware of,  
24 like navigation paths, watch time, and hover time. At bottom, the larger Meta’s user database  
25 grows, the more time the users spend on the database, and the more detailed information that Meta  
26  
27  
28

1 can extract from its users, the more money Meta makes.

2 4. Defendants have intentionally designed their products to maximize users' screen  
3 time, using complex algorithms designed to exploit human psychology and driven by advanced  
4 computer algorithms and artificial intelligence available to two of the largest technology  
5 companies in the world. Defendants have progressively modified their products to promote  
6 problematic and excessive use that they know threatens the actuation of addictive and self-  
7 destructive behavioral patterns.  
8

9 5. Two Meta products, the [www.Facebook.com](https://www.facebook.com) ("Facebook") and  
10 [www.Instagram.com](https://www.instagram.com) ("Instagram") websites and respective interrelated apps (collectively "Meta  
11 2"), rank among the most popular social networking products, with more than two billion  
12 combined users worldwide. It is estimated that nine out of ten teens use social media platforms,  
13 with the average teen using the platforms roughly three hours per day. Given the delicate,  
14 developing nature of the teenage brain and Meta's creation of social media platforms designed to  
15 be addictive, it comes as no surprise that we are now grappling with the ramifications of Meta's  
16 growth-at-any-cost approach, to wit, a generation of children physiologically entrapped by  
17 products the effects of which collectively result in long-lasting adverse impact on their rapidly  
18 evolving and notoriously precarious mental health.  
19

20 6. As of October 2021, Facebook had roughly 2.91 billion monthly active users, thus  
21 reaching 59% of the world's social networking population, the only social media platform to reach  
22 over half of all social media users. Instagram has become the most popular photo sharing social  
23 media platform amongst teenagers and young adults in the United States, with over 57 million  
24 users below the age of eighteen, meaning that 72 percent of America's youth use Instagram.  
25

26 7. A user's "feed" on both Facebook and Instagram is comprised of an endless series  
27 of photos, videos, text captions, and comments posted by accounts that the user follows, along with  
28

1 advertising and content specifically selected and promoted by Instagram and Facebook.

2 8. Instagram also features a “discover” page where a user is shown an endless feed of  
3 content that is selected by an algorithm designed by Instagram based upon the users’ data profile:  
4 demographics, prior activity in the platform, and other data points. Meta has added similar features  
5 to Facebook on the apps “menu” and “watch” sections.

6 9. Over the past decade or so, Meta has added features and promoted the use of auto-  
7 playing short videos and temporary posts on Facebook and Instagram, with the former being  
8 referred to as “Reels” while the latter is referred to as Instagram “Stories.”

9 10. Facebook and Instagram notify users through text and email of activity that might  
10 be of interest, which is designed to and does prompt users to open Facebook and Instagram and be  
11 exposed to content selected by the platforms to maximize the length of time and amount of content  
12 viewed by the user. Facebook and Instagram include many other harm causing features, as  
13 discussed below.

14 11. Plaintiff brings claims of strict liability based upon Defendants’ defective design of  
15 their social media products that renders such products not reasonably safe for ordinary consumers  
16 in general and minors in particular. It is technologically feasible to design social media products  
17 that substantially decrease the incidence and magnitude of harm to ordinary consumers and minors  
18 arising from their foreseeable use of Defendants’ products with a negligible increase in production  
19 cost.

20 12. Plaintiff also brings claims for strict liability based on Defendants’ failure to provide  
21 adequate warnings to minor users and their parents of the danger of mental, physical, and emotional  
22 harms arising from the foreseeable use of their social media products.

23 13. Plaintiff also brings claims for common law negligence arising from Defendants’  
24 unreasonably dangerous social media products and their failure to warn of such dangers.  
25

1 Defendants knew or, in the exercise of ordinary care, should have known that their social media  
2 products were harmful to a significant percentage of their minor users and failed to re-design their  
3 products to ameliorate these harms or warn minor users and their parents of dangers arising out of  
4 the foreseeable use of their products. Defendants intentionally created an attractive nuisance to  
5 children, but simultaneously failed to provide adequate safeguards from the harmful effects they  
6 knew were occurring.

7  
8 14. The addictive qualities of Defendants' products and their harmful algorithms are not  
9 fully known or appreciated by minor users or their parents. Like others, Plaintiff only recently  
10 learned the truth about Meta's increasingly detrimental effect on teenagers when Frances Haugen, a  
11 former Facebook employee turned whistleblower, came forward with internal documents showing  
12 that Meta was aware that its platforms and products cause significant harm to its users, especially  
13 children. Rather than making meaningful changes to safeguard the health and safety of its  
14 adolescent users, Meta has consistently chosen to prioritize profit over safety by continuing to  
15 implement and require its users to submit to product components that increase the frequency and  
16 duration of users' engagement, resulting in the pernicious harms described in greater detail below.

## 18 **II. JURISDICTION AND VENUE**

19 15. This Court has subject-matter jurisdiction over this case under 28 U.S.C. § 1332(a)  
20 because the amount in controversy exceeds \$75,000 and Plaintiff and Defendants are residents of  
21 different states.

22 16. This Court has specific personal jurisdiction over Defendants Facebook and  
23 Instagram because these Defendants' principal place of business is in Menlo Park, California.

24 17. Venue is proper in this District under 28 U.S.C. § 1391(b)(1) because the  
25 Defendants all reside in the Northern District of California.  
26  
27  
28

1     **III. PARTIES**

2     **Plaintiff**

3             18. Plaintiff Samantha Skoler is an individual residing in Needham, Massachusetts.

4     **Defendant Meta Platforms, Inc.**

5             19. Meta is a Delaware corporation and multinational technology conglomerate, having  
6 its principal place of business in Menlo Park, California.

7             20. Meta develops and maintains social media platforms, communication platforms,  
8 and electronic devices. These platforms and products include Facebook (its self-titled app,  
9 Messenger, Messenger Kids, Marketplace, Workplace, etc.), Instagram (and its self-titled app),  
10 and a line of electronic virtual reality devices called Oculus Quest (soon to be renamed “Meta  
11 Quest”). Meta’s subsidiaries include, but may not be limited to: Facebook Holdings, LLC  
12 (Delaware); Facebook Operations, LLC (Delaware); Facebook Payments Inc. (Delaware);  
13 Facebook Technologies, LLC (Delaware); FCL Tech Limited (Ireland); Instagram, LLC  
14 (Delaware); Novi Financial, Inc. (Delaware); Runways Information Services Limited (Ireland);  
15 Scout Development LLC (Delaware); Siculus, Inc. (Delaware); and a dozen other entities whose  
16 identity or relevance is presently unclear.

17     **Subsidiary Defendants**

18             21. Facebook Holdings, LLC (“Facebook 1”) was incorporated in Delaware on March  
19 11, 2020, and is a wholly owned subsidiary of Meta Platforms, Inc. Facebook 1 is primarily a  
20 holding company for entities involved in Meta’s supporting and international endeavors, and its  
21 principal place of business is in Menlo Park, California.

22             22. Facebook Operations, LLC (“Facebook 2”) was incorporated in Delaware on  
23 January 8, 2012, and is a wholly owned subsidiary of Meta Platforms, Inc. Facebook 2 is likely a  
24 managing entity for Meta’s other subsidiaries, and its principal place of business is in Menlo Park,  
25  
26  
27  
28

1 California.

2 23. Facebook Payments, Inc. (“Facebook 3”) was incorporated in Florida on December  
3 10, 2010, and is a wholly owned subsidiary of Meta Platforms, Inc. Facebook 3 manages, secures,  
4 and processes payments made through Meta, among other activities, and its principal place of  
5 business is in Menlo Park, California.

6 24. Facebook Technologies, LLC (“Facebook 4”) was incorporated in Delaware as  
7 “Oculus VR, LLC” on March 21, 2014, and acquired by Meta on March 25, 2014. Facebook 4’s  
8 principal place of business is in Menlo Park, California, and it develops Meta’s virtual and  
9 augmented reality technology, such as the Oculus Quest line of products (soon to be renamed  
10 “Meta Quest”), among other technologies related to Meta’s various platforms.

11 25. Instagram, LLC (“Instagram”) was founded by Kevin Systrom and Mike Krieger  
12 in October 2010. In April 2021, Meta purchased the company for \$1 billion (later statements from  
13 Meta have indicated the purchase price was closer to \$2 billion). Meta reincorporated the company  
14 on April 7, 2012, in Delaware. Currently, the company’s principal place of business is in in Menlo  
15 Park, CA. Instagram is a social media platform tailored for photo and video sharing.

16 26. Siculus, Inc., (“Siculus”) was incorporated in Delaware on October 19, 2011, and  
17 is a wholly owned subsidiary of Meta. Siculus supports Meta platforms by constructing data  
18 facilities and other projects. Siculus’s principal place of business is in Menlo Park, CA.

#### 19 IV. GENERAL FACTUAL ALLEGATIONS

##### 20 A. Teenagers Are Particularly Vulnerable to the Perils of Excessive Social Media 21 Use.

22 27. Emerging research shows that the human brain is still developing during  
23 adolescence in ways consistent with adolescents’ demonstrated psychosocial immaturity.  
24 Specifically, adolescents’ brains are not yet fully developed in regions related to risk evaluation,  
25  
26  
27  
28



1 emotion regulation, and impulse control. The frontal lobes—and, in particular, the prefrontal  
2 cortex—of the brain play an essential part in higher-order cognitive functions, impulse control,  
3 and executive decision-making. These regions of the brain are central to the process of planning  
4 and decision-making, including the evaluation of future consequences and the weighing of risk  
5 and reward. They are also essential to the ability to control emotions and inhibit impulses. MRI  
6 studies have shown that the prefrontal cortex is one of the last regions of the brain to mature.  
7 During childhood and adolescence, the brain is maturing in at least two major ways. First, the brain  
8 undergoes myelination, the process through which the neural pathways connecting different parts  
9 of the brain become insulated with white fatty tissue called myelin. Second, during childhood and  
10 adolescence, the brain is undergoing “pruning”—the paring away of unused synapses, leading to  
11 more efficient neural connections. Through myelination and pruning, the brain’s frontal lobes  
12 change to help the brain work faster and more efficiently, improving the “executive” functions of  
13 the frontal lobes, including impulse control and risk evaluation. This shift in the brain’s  
14 composition continues throughout adolescence and into young adulthood. In late adolescence,  
15 important aspects of brain maturation remain incomplete, particularly those involving the brain’s  
16 executive functions and the coordinated activity of regions involved in emotion and cognition. As  
17 such, the part of the brain that is critical for control of impulses and emotions and mature,  
18 considered decision-making is still developing during adolescence, consistent with the  
19 demonstrated behavioral and psychosocial immaturity of juveniles.

22 28. Because adolescence is the period when sophisticated, essential inhibitory control  
23 functions are being established, the onset of prolonged exposure to toxic content during  
24 adolescence is particularly concerning. The extended development of the prefrontal cortex results  
25 in an adolescent brain that is largely undeveloped, highly malleable, and overwhelmingly  
26 vulnerable to long-term, irremediable effects of adverse influences, including addiction and a  
27  
28

1 fractured psychological well-being.

2         29. The algorithms in Defendants' social media products exploit minor users'  
3 diminished decision-making capacity, impulse control, emotional maturity, and psychological  
4 resiliency caused by users' incomplete brain development. Defendants know, or in the exercise of  
5 reasonable care should know, that because their minor users' frontal lobes are not fully developed,  
6 such users are much more likely to sustain serious physical and psychological harm through their  
7 social media use than adult users. Nevertheless, Defendants have failed to design their products  
8 with any protections to account for and ameliorate the psychosocial immaturity of their minor  
9 users.  
10

11         30. Adolescents see themselves as increasingly unique. Paradoxically, as part of their  
12 individuation, they conform by faithfully mimicking the behavior of peers. Indeed, in defining  
13 their own emerging identity, adolescents aspire to be viewed as mature adults, and this leads them  
14 to affiliate with and emulate the personalities, images, behaviors, and preferences of those that  
15 they would like to become. During the teenage years, relationships with family members often  
16 take a back seat to peer groups and appearance. Teens crave to identify with their peer group,  
17 achieve social approval, and become "popular." Many teens feel deep insecurity and are self-  
18 conscious. They feel people are constantly focused on them, examining them, and judging them  
19 about everything they say and do. They struggle with the inexorable desire to be accepted and  
20 admired by their teen peers, and their biggest fear is to not fit in. This myopic desire to fit in  
21 predispositions teenagers to frequently engage in upward social comparison processes, that is,  
22 identifying and observing others that appear to be experiencing more positive outcomes, and  
23 consequently feeling worse about themselves and their own perceived shortcomings.  
24

25         31. Today's adolescents are part of Generation Z (which is loosely defined as people  
26 born between 1997 and 2012)—they are the first generation of consumers to have grown up in an  
27  
28

1 entirely post-digital era, and thus are “digitally native.” The oldest members of this demographic  
2 cohort are just turning 24 this year; however, the substantial majority are believed to be still going  
3 through adolescence. Members of Generation Z spend upwards of 3 hours per day on the internet,  
4 and another 3 hours per day using social media. According to a 2018 survey by Pew Research  
5 Center, 45 percent of high school students said they used a social-media platform daily, and 24  
6 percent said that they were online “almost constantly.”<sup>1</sup>

7  
8 32. One way that Meta’s platforms addict minors is as follows: When minors use design  
9 features such as “likes” it causes their brains to release euphoria-causing dopamine. However, as  
10 soon as dopamine is released, their euphoria is countered by dejection: minor users’ brains adapt  
11 by reducing or “downregulating” the number of dopamine receptors that are stimulated. In normal  
12 stimulatory environments, neutrality is restored after this dejection abates. However, Defendants’  
13 algorithms are designed to exploit users’ natural tendency to counteract dejection by going back  
14 to the source of pleasure for another dose of euphoria.

15  
16 33. Eventually, as this pattern continues over a period of days, weeks, and months, the  
17 neurological baseline to trigger minor users’ dopamine responses increases. Minors then continue  
18 to use Facebook and Instagram, not for enjoyment, but simply to feel normal. When minor users  
19 attempt to stop using Defendants’ social media products, they experience the universal  
20 symptoms of withdrawal from any addictive substance including anxiety, irritability, insomnia,  
21 and craving.

22  
23 34. Addictive use of social media by minors is psychologically and neurologically  
24 analogous to addiction to internet gaming disorder. Gaming addiction is a recognized in the  
25 American Psychiatric Association's 2013 Diagnostic and Statistical Manual of Mental Disorders  
26 (DSM-5) (used by mental health professionals to diagnose mental disorders) and is a recognized  
27 mental health disorder by the World Health Organization and International Classification of  
28

1 Diseases. The diagnostic symptoms of social media addiction among minors are the same as the  
 2 symptoms of addictive gaming promulgated in DSM 5 and include:

- 3 a. Preoccupation with social media and withdrawal symptoms (sadness, anxiety,  
 4 irritability) when device is taken away or use is not possible (sadness, anxiety,  
 5 irritability).
- 6 b. Tolerance, the need to spend more time using social media to satisfy the urge.
- 7 c. Inability to reduce social media usages, unsuccessful attempts to quit gaming.
- 8 d. Giving up other activities, loss of interest in previously enjoyed activities due to  
 9 social media usage.
- 10 e. Continuing to use social media despite problems.
- 11 f. Deceiving family members or others about the amount of time spent on social  
 12 media.
- 13 g. The use of social media to relieve negative moods, such as guilt or  
 14 hopelessness; and
- 15 h. Jeopardizing school or work performance or relationships due to social media  
 16 usage.
- 17
- 18

19 35. Defendants' advertising profits are directly tied to the amount of time that its users  
 20 spend online. Thus, Defendants enhance advertising revenue by maximizing users' time online  
 21 through a product design that addicts them to the platform, in part by directing them to content that  
 22 is progressively more stimulating. However, reasonable minor users and their parents do not expect  
 23 that online social media platforms are psychologically and neurologically addictive.

24 36. Defendants' products could feasibly report the frequency and duration of their  
 25 minor users' screen time to their parents at negligible cost. This would enable parents to track the  
 26 frequency, time, and duration of their minor child's social media, identify and address problems  
 27  
 28

1 arising from such use, and better exercise their rights and responsibilities as parents.

2       37. Social comparisons on social media are frequent and are especially likely to be  
3 upward, as social media provides a continuous stream of information about other people's  
4 accomplishments.<sup>2</sup> Past research suggests that social comparisons occur automatically; when  
5 individuals encounter information about another person, their own self-perceptions will be  
6 affected. The sheer number of posts in a News Feed, each offering a thumbnail sketch of each  
7 person's carefully curated and predominantly ostentatious content, yields numerous opportunities  
8 for social comparison. Although people do not typically post false information about themselves  
9 online, they do engage in selective self-presentation and are more likely to post eye-catching  
10 content. As a result, individuals browsing their News Feeds are more likely to see posts about  
11 friends' exciting social activities rather than dull days at the office, affording numerous  
12 opportunities for comparisons to seemingly better-off others. Individuals with vacillating levels of  
13 self-esteem and certitude, characteristics notoriously endemic to the teenage cohort, are  
14 particularly oriented to making frequent and extreme upward social comparisons on social media,  
15 which in turn threatens their mental health. Social-media-induced social comparison often results  
16 in a discrepancy between the ideal self and the real self, thus evoking a sense of depression,  
17 deprivation, and distress, resulting in an overall aggravation of one's mental state.<sup>3</sup> Since the early  
18 2000s, studies have shown that frequent upward social comparison results in lower self-esteem  
19 and reduced overall mental health.<sup>4</sup> It has also long been known that individuals who are more  
20 likely to engage in self-comparison are likewise more likely to have negative outcomes when using  
21 social media. To cope with wavering self-esteem, digitally native adolescents often become  
22 envious of others and resort to cyberbullying to deconstruct the point of comparison's perceived  
23 superiority and preserve an increasingly delicate ego. These natural dynamics in youth are  
24 exacerbated to psychologically injurious levels by Meta's platforms' progressively toxic  
25  
26  
27  
28

1 environment worsened by its 2018 shift to engagement-based ranking, which is discussed in  
2 further detail below.

3 38. The dangers associated with teenager's proclivity to engage in protracted upward  
4 social comparison while on social media is compounded by Meta's deft and discreet construction  
5 of an atmosphere capable of exploiting the impulse control issues of even the most mature adults,  
6 thereby unleashing upon the public a product that is predictably highly addictive. Some of Meta's  
7 key features that make the platforms highly addictive include the use of intermittent variable  
8 rewards ("IVR") and its Facial Recognition System ("FRS").  
9

10 39. IVR is a method used to addict a user to an activity by spacing out dopamine  
11 triggering stimuli with dopamine gaps—a method that allows for anticipation and craving to  
12 develop and strengthens the addiction with each payout. The easiest way to understand this term  
13 is by imagining a slot machine. You pull the lever (intermittent action) with the hope of winning  
14 a prize (variable reward). In the same way, you refresh Meta's feeds, endure the brief delay, and  
15 then learn if anyone has tagged you in a photo, mentioned you in a post, sent you a message, or  
16 liked, commented on, or shared either of your posts. As explained below, Meta spaces out  
17 notifications of likes and comments into multiple bursts (dopamine gaps), rather than notifying  
18 users in real time, to maximize the platforms' addictiveness.  
19

20 40. Engineered to meet the evolving demands of the "attention economy,"<sup>5</sup> a term used  
21 to describe the supply and demand of a person's attention, which is a highly valuable commodity  
22 for internet websites, in February 2009, Meta introduced perhaps its most conspicuous form of  
23 IVR: its "Like" button; Instagram launched that same year and came ready-made with a like  
24 function shaped as a heart. Additional features of Meta's IVR include its delay-burst notification  
25 system, comments, posts, shares, and other dopamine-triggering content. Instagram's notification  
26 algorithm delays notifications to deliver them in spaced-out, larger bursts. Facebook likely uses a  
27  
28

1 similar feature. These designs take advantage of users' dopamine-driven desire for social  
2 validation and optimizes the balance of negative and positive feedback signals to addict users.

3 41. Other psychological manipulations used to intertwine social media users include,  
4 but are not limited to: (1) the FRS system, which has already collected for distribution to various  
5 third-parties a billion individual facial recognition templates and is otherwise used by Meta to  
6 identify and tag people in photos; (2) Meta's use of wavy dots to reflect that someone is currently  
7 writing you a message, which is designed to keep you on the platform until you receive the message  
8 or shorten the time for you to return and check for a message; and (3) the concept of social  
9 reciprocity, a variance of quid pro quo, pursuant to which Meta alerts you when someone has read  
10 your message, which encourages the receivers to respond—because the sender knows the message  
11 has been read—and simultaneously prompts the sender to return to check for the seemingly  
12 inevitable response. In sum, this perilous amalgamation of intense psychological vulnerability and  
13 targeted exploitation foreseeably results in an increased risk of a variety of harms for today's youth,  
14 including, but not limited to, social media addiction, withdrawal—from friends, family, and social  
15 and academic advancement—lack of focus, anxiety, body dysmorphia, eating disorders, death  
16 resulting from eating disorders, depression, difficulty sleeping, fatigue, headaches, migraines, loss  
17 of vision, eye strain, self-harm, and suicide among other harms.

20 **B. Meta Knowingly Exploits Teenage Vulnerabilities for Unjust Gain.**

21 42. Enacted in 1998 and finalized by a U.S. Federal Trade Commission rulemaking in  
22 2000, the Children's Online Privacy Protection Act, or "COPPA," regulates the conditions under  
23 which commercial web sites that either target children under age 13 or have actual knowledge of  
24 children under age 13 using their site can collect and use information about them. As a result of  
25 COPPA, website operators must obtain "verifiable parental consent" from parents prior to the  
26 collection and use of information about children under age 13. Meta has chosen to avoid these  
27  
28

1 obligations by purporting to ban all those younger than 13 through its terms of service.

2 43. Meta states that children under the age of thirteen are prohibited from having Meta  
3 accounts, but Meta knowingly lacks effective age-verification protocols. Since at least 2011, Meta  
4 has known that its age-verification protocols are largely inadequate, then estimating that it removes  
5 20,000 children under age 13 from Facebook every day. The problem has not been remediated, as  
6 Meta removed at least six hundred thousand underage users in 2021. Zuckerberg himself has stated  
7 that, notwithstanding the spirit of COPPA, younger children should be allowed to get on Facebook.  
8

9 44. Defendants do not charge their users to use their platforms, but instead receive  
10 money from advertisers who pay a premium to target advertisements to specific categories of  
11 people as studied and sorted by Meta's algorithms. Thus, Defendants generate revenue based upon  
12 the total time spent on the application, which directly correlates with the number of advertisements  
13 that can be shown to each user.  
14

15 45. Meta, as originally conceived, ostensibly functioned like an enormous virtual  
16 bulletin board, where content was published by authors. But Meta has evolved over time with the  
17 addition of numerous features and products designed by Meta to engage users. The earliest of  
18 these—the search function and the “like” button—were primarily user-controlled features. In more  
19 recent years, however, Meta has taken a more active role in shaping the user-experience on the  
20 platform with more complex features and products. The most visible of these are curated  
21 recommendations, which are pushed to each user in a steady stream as the user navigates the  
22 website, and in notifications sent to the user's smartphone and email addresses when the user is  
23 disengaged with the platform. These proprietary Meta products include News Feed (a newsfeed of  
24 stories and posts published on the platform, some of which are posted by your connections, and  
25 others that are suggested for you by Meta), People You May Know (introductions to persons with  
26 common connections or background), Suggested for You, Groups You Should Join, and Discover  
27  
28



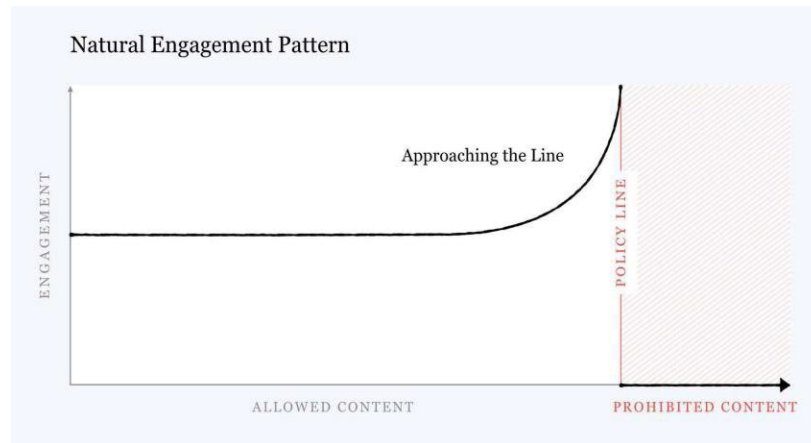
1 (recommendations for Meta groups to join). These curated and bundled recommendations are  
2 developed through sophisticated algorithms. As distinguished from the earliest search functions  
3 that were used to navigate websites during the Internet's infancy, Meta's algorithms are not based  
4 exclusively on user requests or even user inputs. Meta's algorithms combine the user's profile  
5 (e.g., the information posted by the user on the platform) and the user's dossier (the data collected  
6 and synthesized by Meta to which Meta assigns categorical designations), make assumptions about  
7 that user's interests and preferences, make predictions about what else might appeal to the user,  
8 and then make very specific recommendations of posts and pages to view and groups to visit and  
9 join based on rankings that will optimize Meta's key performance indicators.

11 46. Equipped with ample information about the risks of social media, the  
12 ineffectiveness of its age-verification protocols, and the mental processes of teens, Meta has  
13 expended significant effort to attract preteens to its products, including substantial  
14 investments in designing products that would appeal to children ages 10-to-12. Meta views pre-  
15 teens as a valuable, unharnessed commodity, so valuable that it has contemplated whether there is  
16 a way to engage children during play dates.<sup>6</sup> Meta's unabashed willingness to target children, in  
17 the face of its conscious, long-standing, plainly deficient age-verification protocols demonstrates  
18 the depths to which Meta is willing to reach to maintain and increase its profit margin.

20 47. Faced with the potential for reduction in value due to its declining number of users,  
21 in or around early 2018, Meta (and likely Meta 2) revamped its interface to transition away from  
22 chronological ranking, which organized the interface according to when content was posted or  
23 sent, to prioritize Meaningful Social Interactions, or "MSI," which emphasizes users' connections'  
24 interactions, e.g., likes and comments, and gives greater significance to the interactions of  
25 connections that appeared to be the closest to users. To effectuate this objective, Facebook  
26 developed and employed an "amplification algorithm" to execute engagement-based ranking,  
27  
28

which considers a post's likes, shares, and comments, as well as a respective user's past interactions with similar content, and exhibits the post in the user's newsfeed if it otherwise meets certain benchmarks. The algorithm covertly operates on the proposition that intense reactions invariably compel attention. As it measures reactions and contemporaneously immerses users in the most reactive content, and negative content routinely elicits passionate reactions, the algorithm effectively works to steer users toward the most negative content.

48. Meta CEO Zuckerberg publicly recognized this in a 2018 post, in which he demonstrated the correlation between engagement and sensational content that is so extreme that it impinges upon Meta's own ethical limits, with the following chart:<sup>7</sup>



49. The algorithm controls what appears in each user's News Feed and promotes content that is objectionable and harmful to many users. In one internal report, Meta concluded that "[o]ur approach has had unhealthy side effects on important slices of public content, such as politics and news," with one data scientist noting that "[t]his is an increasing liability." In other internal memos, Meta concluded that because of the new algorithm, "[m]isinformation, toxicity, and violent content are inordinately prevalent." Other documents show that Meta employees also discussed Meta's motive for changing its algorithm—namely, that users began to interact less with the platform, which became a worrisome trend for Meta's bottom line. Meta found that the inflammatory content that the new algorithm was feeding to users fueled their return to the

1 platform and led to more engagement, which, in turn, helped Meta sell more of the digital ads that  
2 generate most of its revenue. All told, Meta's algorithm optimizes for angry, divisive, and  
3 polarizing content because it'll increase its number of users and the time users stay on the platform  
4 per viewing session, which thereby increases its appeal to advertisers, thereby increasing its overall  
5 value and profitability.

6           50.     Upon information in belief, at least as far back as 2019, Meta initiated, *inter alia*, a  
7 Proactive Incident Response experiment, which began researching the effect of Meta on the mental  
8 health of today's youth.<sup>8</sup> Meta's own in-depth analyses show significant mental-health issues  
9 stemming from the use of Instagram among teenage girls, many of whom linked suicidal thoughts  
10 and eating disorders to their experiences on the app. Meta's researchers have repeatedly found  
11 that Instagram is harmful for a sizable percentage of teens that use the platform. In an internal  
12 presentation from 2019, Meta researchers concluded that "[w]e make body issues worse for one in  
13 three teen girls," and "[t]eens blame Instagram for increases in the rate of anxiety and depression."  
14 Similarly, in a March 2020 presentation posted to Meta's internal message board, researchers  
15 found that "[t]hirty-two percent of teen girls said that when they feel bad about their bodies,  
16 Instagram made them feel worse." Sixty-six percent of teen girls and forty-six percent of teen boys  
17 have experienced negative social comparisons on Instagram. Thirteen-and-one-half percent of  
18 teen-girl Instagram users say the platform makes thoughts of "suicide and self-injury" worse.  
19 Seventeen percent of teen-girl Instagram users say the platform makes "[e]ating issues" worse.  
20 Instagram users are twice as likely to develop an eating disorder as those who don't use social  
21 media.  
22

23           51.     Meta is aware that teens often lack the ability to self-regulate. Meta is further aware  
24 that, despite the platforms' adverse impact to teenage users' well-being, the absence of impulse  
25 control often renders teens powerless to oppose the platforms' allure. Meta is conscious of the fact  
26  
27  
28

1 that the platform dramatically exacerbates bullying and other difficulties prevalent within the high  
2 school experience, as the reach of the same now affects users within the ideally otherwise safe  
3 confines of the home. The advent of social media largely occurred after today's parents became  
4 adults, the consequence being a large swath of parents that lack the context needed to appreciate  
5 the contemporary perils of Meta and Instagram, who are likewise ill-equipped to offer advice  
6 sufficient to effectively mitigate against it.

7  
8 52. The shift from chronological ranking to the algorithm modified the social  
9 networking environment in such a way that it created a new iteration of the Meta experience, one  
10 that is profoundly more negative, one that exploits some of the known psychological  
11 vulnerabilities of Facebook's most susceptible patronage, to wit, juveniles, resulting in a markedly  
12 enlarged threat to the cohort's mental health and the related frequency of suicidal ideation.

13 53. Excessive screen time is harmful to adolescents' mental health, sleep patterns,  
14 emotional well-being. Defendants' products lack any warnings that foreseeable product use can  
15 disrupt healthy sleep patterns, or specific warnings to parents when their child's product usage  
16 exceeds healthy levels or occurs during sleep hours, rendering the platforms unreasonably  
17 dangerous. Reasonable and responsible parents are not able to accurately monitor their child's  
18 screen time because most adolescents own or can obtain access to mobile devices and engage in  
19 social media use outside their parents' presence.

20  
21 54. Meta professes to have implemented protective measures to counteract the well-  
22 established dangers of its sites' customized, doggedly harmful content; however, its protocols  
23 apply only to content conveyed in English and removes only three-to-five percent of harmful  
24 content. Meta knows its quality-control and age-verification protocols are woefully ineffective,  
25 but Meta is either unwilling or incapable of properly managing its platforms. This is consistent  
26 with its established pattern of recognizing, and subsequently ignoring, the needs of its underage  
27  
28

1 users and its obligation to create a suitable environment accessible only by its age-appropriate  
2 users, all in the interest of reaping obscene profit.

3 **C. Plaintiff Expressly Disclaims Any and All Claims Seeking to Hold Defendants Liable**  
4 **as the Publisher or Speaker of Any Content Provided, Posted, or Created by Third**  
5 **Parties.**

6 55. Plaintiff seeks to hold Defendants accountable for their own alleged acts and  
7 omissions. Plaintiff's claims arise from Defendants' status as the designer and marketer of  
8 dangerously defective social media products, not as the speaker or publisher of third-party content.  
9

10 56. Plaintiff alleges that Defendants failed to warn minor users and their parents of  
11 known dangers arising from anticipated use of their social media platforms. None of Plaintiff's  
12 claims rely on treating Defendants as the publisher or speaker of any third-party's words.  
13 Plaintiff's claims seek to hold Defendants accountable for their own allegedly wrongful acts and  
14 omissions, not for the speech of others or for any attempts by Defendants to restrict access to  
15 objectionable content.  
16

17 57. Plaintiff is not alleging that Defendant is liable for what third-parties have said, but  
18 for what Defendants did or did not do.

19 58. None of Plaintiff's claims for relief set forth herein require treating Defendants as  
20 a speaker or publisher of content posted by third parties. Rather, Plaintiff seeks to hold Defendants  
21 liable for their own speech and their own silence in failing to warn of foreseeable dangers arising  
22 from the anticipated use of their products. Defendants could manifestly fulfill their legal duty to  
23 design reasonably safe products and furnish adequate warnings of foreseeable dangers arising out  
24 of their products, without altering, deleting, or modifying the content of a single third-party post  
25 or communication.  
26  
27  
28

**V. PLAINTIFF-SPECIFIC ALLEGATIONS**

59. Plaintiff Samantha Skoler is an eighteen-year-old girl who has been a heavy user of the Meta platform(s).

60. Shortly after registering to use the Meta platform(s), Plaintiff began engaging in addictive and problematic use of the platform(s). Plaintiff's interest in any activity other than viewing and posting on the Meta platform(s) progressively declined.

61. Prompted by the addictive design of Defendants' product(s), and the constant notifications that Defendants' platform(s) pushed to Plaintiff 24 hours a day, Plaintiff began getting less and less sleep.

62. As a proximate result of her addiction to the Meta platform(s), and specifically due to recommendations and content Defendants selected and showed to Plaintiff while she was a minor user of the Meta platform(s), Plaintiff subsequently developed injuries including, but not limited to, depression, anxiety, social media compulsion, and a reduced inclination or ability to sleep.

63. Defendants have designed the Meta platform(s), including through the use of disappearing or time-sensitive messaging features, to frustrate parents from exercising their rights and duties as parents to monitor and limit their children's use of the Meta platform(s).

64. Defendants have designed the Meta platforms(s) to allow minors to use, become addicted to, and abuse their products without the consent of the users' parents.

65. Defendants have specifically designed the Meta platform(s) to be attractive nuisances to underage users but failed to exercise the ordinary care owed to underage business invitees to prevent the rampant, foreseeable, and deleterious impact on minor users that access the Meta platform(s).

66. Plaintiff was not aware of the addictive and mentally harmful effects of the Meta

platform(s) when she began to use the products.

67. Defendants not only failed to warn Plaintiff of the dangers of addiction, sleep deprivation, and problematic use of the Meta platform(s), but misrepresented the safety, utility, and non-addictive properties of their products. For example, the head of Instagram testified under oath at a December 8, 2021, Senate Committee hearing that Instagram does not addict its users.

68. As a result of Plaintiff's extensive and problematic use of the Meta platform(s), she has developed numerous mental health conditions that she still struggles with until this day.

## **VI. CAUSES OF ACTION**

### **FIRST CAUSE OF ACTION**

#### **STRICT PRODUCT LIABILITY – DESIGN DEFECT**

69. Plaintiff incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

70. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles.

71. At all relevant times, DEFENDANTS designed, developed, managed, operated, inspected, tested (or not), marketed, controlled, advertised, promoted, and or benefited from the products and platforms that Plaintiff used, which are defective and unreasonably dangerous.

72. Facebook and Instagram were designed and intended to be used as social media platforms.

73. Facebook and Instagram are defective in their design in that they are not reasonably fit, suitable or safe for their intended purpose, especially as related to adolescent users, and/or their foreseeable risks exceed the benefits associated with their design.

74. The defective condition of Facebook and Instagram rendered them unreasonably dangerous and/or not reasonably safe, and Facebook and Instagram were in this defective condition when they were released to the public.

1           75. Facebook and Instagram as designed were unreasonably dangerous, posed a  
2 substantial likelihood of harm, and were therefore defective because of reasons enumerated in the  
3 complaint, including, but not limited to, risks of social media addiction, depression, body  
4 dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder,  
5 anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus,  
6 ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other  
7 harmful effects.

8  
9           76. Facebook and Instagram were expected to and did reach Plaintiff without  
10 substantial change in the condition in which they were signed, manufactured, labeled, marketed,  
11 promoted, supplied, and otherwise released into the stream of commerce.

12           77. The Facebook and Instagram products were used for their intended purposes, and  
13 the products were not materially altered or modified prior to their use.

14           78. DEFENDANTS defectively designed the platforms to specifically appeal to and  
15 addict minors and young adults, who were particularly unable to appreciate the risks posed by the  
16 platforms, and particularly susceptible to harms from those products.

17  
18           79. DEFENDANTS effectively designed the platforms to be addictive and take  
19 advantage of the chemical reward system of users' brains (especially young users) to create  
20 addiction and additional mental and physical health harms.

21           80. DEFENDANTS defectively designed platforms (Facebook and Instagram) that are  
22 inherently dangerous because they included features making the product addictive and likely to  
23 cause the mental and physical health harms listed above. These features include, but are not limited  
24 to: (1) engagement-based ranking (sorting content on a user's feed based on engagement or  
25 "meaningful social interactions" rather than chronology); (2) intermittent variable rewards (a  
26 system of "likes", comments, strategically-timed notifications, promoting the content of new users  
27  
28



1 and users who have not posted in a while, among other features); (3) face tracking and  
2 augmentation (*i.e.*, photo and video filters designed to make users appear more attractive); (4)  
3 endless scrollable content (especially auto-playing video content such as the Instagram “Reels”  
4 content feed); (5) the interaction of these features; and (6) other features of the platform which are  
5 currently unknown and hidden from users and governments.

6 81. DEFENDANTS defectively designed the platforms and DEFENDANTS failed to  
7 test as to the safety of features they developed and implemented for use in the platforms. Once  
8 DEFENDANTS did perform some product testing and had knowledge of ongoing harm to  
9 Plaintiff, they failed to adequately remedy the product defects or warn Plaintiff.

11 82. Facebook and Instagram do not perform as safely as a reasonable and ordinary  
12 consumer would reasonably assume and reasonably expect. Facebook and Instagram pose a risk  
13 of serious mental and physical health injuries as listed above.

14 83. The risks inherent in the design of Facebook and Instagram significantly outweigh  
15 any benefits of such design.

16 84. DEFENDANTS could have utilized cost effective, reasonably feasible alternative  
17 designs to minimize these harms, such as by designing products without the harm causing features  
18 listed above, that were less addictive, less likely to cause mental health harms, while still providing  
19 an optimal social media experience and facilitating social connection.

21 85. DEFENDANTS could have limited the duration of login sessions to prevent  
22 harmful, extended use of the platforms and could have designed the platforms to logout for a period  
23 of time if excessive use occurred. It is well established in research that to effectively stay connected  
24 socially, a person only needs a limited amount of use time. Instead, DEFENDANTS designed a  
25 product that uses behavioral engineering to maximize the number of use sessions and length of use  
26 per session, resulting in serious harm to Plaintiff.  
27  
28

1           86. DEFENDANTS could have used technology to enable user-level access restrictions  
2 so that use was tied to a user's age verification, restricting those underaged from using the  
3 platforms, or other youth protecting features.

4           87. DEFENDANTS could have utilized cost effective, reasonably feasible alternative  
5 designs to minimize these harms, including, but not limited to:

- 6           a. Designing platforms that did not include the features listed above while still  
7           fulfilling the social, interest, and business networking purposes of a social media  
8           platform;
- 9           b. Default protective limits to length of use, frequency of use, or content types;
- 10           c. Opt-in restrictions to length of use, frequency of use, or content types;
- 11           d. Session time limits;
- 12           e. Blocks to use during certain times of day (such as morning, during work or school  
13           periods, or during evenings);
- 14           f. Session time notifications, warnings, or reports;
- 15           g. Warning of health effects of use and extended use upon sign-up;
- 16           h. Parental controls;
- 17           i. Notification to parents regarding their child's extensive use, use during sleep hours,  
18           or exposure to harmful content on the platform,
- 19           j. Self-limiting tools;
- 20           k. Implementing labels on images and videos that have been edited through the  
21           platform;
- 22           l. Age-based content filtering;
- 23           m. General content filtering;
- 24           n. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed

- of potentially harmful content (*e.g.*, content that causes negative social comparison and misleading lack of realism) such as in the genres of lifestyle, influencer, beauty, fitness, success flaunting, and/or heavily edited images and videos;
- o. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of potentially harmful content, such as inappropriate or salacious content;
  - p. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of potentially harmful content such as controversial, political, or emotionally weighted content;
  - q. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of potentially harmful content such as content encouraging or promoting eating disorders, depressive thinking, self-harm, or suicide;
  - r. Informational labelling about the misleading and unrealistic nature of the content on a user's feed and the resulting feed composite because of content editing and algorithmic recommendation, presentation, and sorting;
  - s. Chronological presentation of content rather than algorithmic; and
  - t. Many other less harmful alternatives.

88. Instead, DEFENDANTS designed platforms that aggressively addict users with algorithms and features that increase addictiveness, use time, frequency of use, attention stealing, engagement with the platform, mental health harms, and profit to Meta, all to the detriment of users' wellbeing.

89. It is reasonable for parents to expect that social media products that actively promote their platforms to minors will undertake reasonable efforts to notify parents when their child's use becomes excessive, occurs during sleep time, or exposes the child to harmful content. Defendants could feasibly design the products to identify minor users who are using the product

1 excessively, using it during sleeping hours, or being exposed to harmful content, and notify their  
2 parents, at negligible cost.

3 90. Engagement-based ranking and intermittent variable rewards are highly addictive,  
4 promote harmful social comparison, encourage bullying and conflict, can trap users in a cycle of  
5 viewing content that is innately harmful or in a manner that is harmful, and present a false reality.  
6 Image and video filters inflict unrealistic and biased beauty standards upon users and cause  
7 harmful social comparison based on a misleading curation of peers' appearances, especially among  
8 teenage female users.  
9

10 91. The collaboration of these features multiplies the platforms' power to inflict harm  
11 by heightening the platform's addictive nature, increasing exposure to content that triggers  
12 negative social comparison, exposing users to innately harmful content, increasing time of  
13 exposure to harm, further encouraging bullying and promoting conflict, and multiplying harm in  
14 other ways.  
15

16 92. The features combine to create a user interface of endless, auto-playing, image and  
17 video content, that is algorithmically sorted to place the most attention-grabbing content at the top  
18 and/or in a distilled feed that is very difficult to cease consuming, especially for young users.  
19 Content that is promoted by the algorithm is often related to beauty, success/wealth flaunting, or  
20 lifestyles, which causes negative physical or social comparison, especially among teens. Meta's  
21 algorithms also promote controversial, disturbing, negative, and/or emotionally charged content  
22 causing harm to users.  
23

24 93. The combined result of these features is to present to users a false reality—it  
25 presents to users a world which is constantly controversial and negative; where most other people  
26 are exceedingly more attractive than the user; where most other people are exceedingly more  
27 successful and/or competent than the user; and which will facilitate and encourage harmful  
28

1 behaviors such as self-harm and eating disorders.

2 94. These features take advantage of biological systems, human behavior, and  
3 psychology, to addict and condition users to engage in repetitive content-consuming actions such  
4 as scrolling, “liking,” and sharing content in search of repeated dopamine releases. All the while,  
5 the users’ input and behavior are tracked to allow the platform to automatically tune itself to each  
6 individual user to become as addictive and difficult to stop engaging with as possible.

7 95. DEFENDANTS failed to design the product with adequate warnings about the  
8 likely harms of use.

9 96. Plaintiff used Facebook and Instagram as intended or in reasonably foreseeable  
10 ways. DEFENDANTS specifically intended for minors to use its products and were aware that  
11 minors were doing so.

12 97. Plaintiff’s injuries—physical, emotional and economic—were reasonably  
13 foreseeable to DEFENDANTS at the time of the products’ design, marketing, and operation.

14 98. Facebook and Instagram were defective and unreasonably dangerous when they left  
15 DEFENDANTS’ sole possession/control and were offered to users. The defects continued to exist  
16 through use by consumers, including Plaintiff, who used the products without any substantial  
17 change in the products’ condition.

18 99. Plaintiff was injured as a direct and proximate result of Defendants placement of  
19 the products into the stream of commerce, her use of the platforms as intended and designed, and  
20 the platform’s defective design as described herein. The defective design of Facebook and  
21 Instagram was the proximate cause of Plaintiff’s harms.

22 100. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and  
23 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
24 the Court deems proper.

**SECOND CAUSE OF ACTION**

**PRODUCTS LIABILITY - NEGLIGENT DESIGN**

101. Plaintiff incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

102. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles.

103. At all relevant times, DEFENDANTS designed, developed, managed, operated, inspected, tested (or not), marketed, controlled, advertised, promoted, and or benefited from the products and platforms that Plaintiff used.

104. Facebook and Instagram were designed and intended to be used as social media platforms.

105. DEFENDANTS knew or, by the exercise of reasonable care, should have known use of Facebook and Instagram was dangerous, harmful and injurious when used by Plaintiff in a reasonably foreseeable manner, particularly so with minors and young adults.

106. DEFENDANTS knew or, by the exercise of reasonable care, should have known ordinary consumers such as Plaintiff would not have realized the potential risks and dangers of Facebook and Instagram. Facebook and Instagram are highly addictive and likely to cause mental and physical injuries as listed above.

107. DEFENDANTS owed a duty to all reasonably foreseeable users to design a safe product.

108. DEFENDANTS breached their duty by failing to use reasonable care in the design of Facebook and Instagram because the products were addictive; had mental, cognitive, and physical health impacts; and had a likelihood of causing social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder,

1 anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus,  
2 ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other  
3 harmful effects.

4 109. DEFENDANTS breached their duty by failing to use reasonable care in the design  
5 of Facebook and Instagram by negligently designing the platforms with physically and mentally  
6 harmful features including, but not limited to: (1) engagement-based ranking (sorting content on a  
7 user's feed based on engagement or "meaningful social interactions" rather than chronology); (2)  
8 intermittent variable rewards (a system of "likes", comments, strategically-timed notifications,  
9 promoting the content of new users and users who have not posted in a while, among other  
10 features); (3) face tracking and augmentation (*i.e.*, photo and video filters designed to make users  
11 appear more attractive); (4) endless scrollable content (especially auto-playing video content such  
12 as the Instagram "Reels" content feed); (5) the interaction of these features; and (6) other features  
13 of the platform which are currently unknown and hidden from users and governments.  
14

15 110. Engagement-based ranking and intermittent variable rewards are highly addictive,  
16 promote harmful social comparison, encourage bullying and conflict, can trap users in a cycle of  
17 viewing content that is innately harmful or in a manner that is harmful, and present a false reality.  
18 Image and video filters inflict unrealistic and biased beauty standards upon users and cause  
19 harmful social comparison based on a misleading curation of peers' appearances, especially among  
20 teenage female users.  
21

22 111. The collaboration of these features multiplies the platforms' power to inflict harm  
23 by heightening the platform's addictive nature, increasing exposure to content that triggers  
24 negative social comparison, exposing users to innately harmful content, increasing time of  
25 exposure to harm, further encouraging bullying and promoting conflict, and multiplying harm in  
26 other ways.  
27  
28

112. The features combine to create a user interface of endless, auto-playing image and video content, that is algorithmically sorted to place the most attention-grabbing content at the top and/or in a distilled feed that is very difficult to cease consuming, especially for young users. Content that is promoted by the algorithm is often related to beauty, success/wealth flaunting, or lifestyles, which causes negative physical or social comparison, especially among teens. Meta's algorithms also promote controversial, disturbing, negative, and/or emotionally charged content causing harm to users.

113. The combined result of these features is to present to users a false reality—it presents to users a world which is constantly controversial and negative; where most other people are exceedingly more attractive than the user; where most other people are exceedingly more successful and/or competent than the user; and which will facilitate and encourage harmful behaviors such as self-harm and eating disorders.

114. These features take advantage of biological systems, human behavior, and psychology, to addict and condition users to engage in repetitive, content-consuming actions such as scrolling, “liking,” and sharing content in search of repeated dopamine releases. All the while, the users' input and behavior are tracked to allow the platform to automatically tune itself to each individual user to become as addictive and difficult to stop engaging with as possible.

115. Potential health harms from these features include, among other types of harm, social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful effects.

116. DEFENDANTS breached their duty by failing to use reasonable care in the design of Facebook and Instagram by negligently designing Facebook and Instagram to specifically



1 appeal to minors, who were particularly unable to appreciate the risks posed by the platforms.

2 117. DEFENDANTS breached their duty by failing to use reasonable care by failing to  
3 use cost effective, reasonably feasible alternative designs that would make the product less  
4 addictive and harmful to minors.

5 118. DEFENDANTS breached their duty by failing to use reasonable care by failing to  
6 use cost effective, reasonably feasible alternative designs to minimize these harms, including but  
7 not limited to:  
8

- 9 a. Designing platforms that did not include the features listed above while still  
10 fulfilling the social, interest, and business networking purposes of a social media  
11 platform;
- 12 b. Default protective limits to length of use, frequency of use, or content types;
- 13 c. Opt-in restrictions to length of use, frequency of use, or content types;
- 14 d. session time limits;
- 15 e. Blocks to use during certain times of day (such as morning, during work or school  
16 periods, or during evenings);
- 17 f. Session time notifications, warnings, or reports;
- 18 g. Warning of health effects of use and extended use upon sign-up;
- 19 h. Parental controls;
- 20 i. Self-limiting tools;
- 21 j. Implementing labels on images and videos that have been edited through the  
22 platform;
- 23 k. Age-based content filtering;
- 24 l. General content filtering;
- 25 m. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of  
26  
27  
28

- 1 potentially harmful content (by causing negative social comparison and misleading  
 2 lack of realism) such as in the genres of lifestyle, influencer, beauty, fitness, success  
 3 flaunting, and/or heavily edited images and videos;
- 4 n. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed  
 5 of potentially harmful content such as inappropriate or salacious content;
- 6 o. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed of  
 7 potentially harmful content such as controversial, political, or emotionally  
 8 weighted content;
- 9 p. Algorithmic (whether default or opt-in) reductions or elimination in a user's feed  
 10 of potentially harmful content such as content encouraging or promoting eating  
 11 disorders, depressive thinking, self-harm, or suicide;
- 12 q. Informational labelling about the misleading and unrealistic nature of the content  
 13 on a user's feed and the resulting feed composite because of content editing and  
 14 algorithmic presentation/sorting;
- 15 r. Chronological presentation of content rather than algorithmic;
- 16 s. Many other less harmful alternatives.

17  
 18  
 19 119. DEFENDANTS breached their duty by failing to use reasonable care by failing to  
 20 use cost effective, reasonably feasible alternative designs that could have reduced mental and  
 21 physical harms to users, especially youth. Instead, DEFENDANTS designed platforms that  
 22 aggressively addict users with algorithms and features that increase addictiveness, use time,  
 23 frequency of use, attention stealing, engagement with the platform, mental health harms, and profit  
 24 to Meta, all to the detriment of users' wellbeing.

25  
 26 120. DEFENDANTS breached their duty by failing to use reasonable care by failing to  
 27 use cost-effective, reasonably feasible alternative designs utilizing technology to enable user-level  
 28

1 access restrictions so that use was tied to a user's age verification, restricting those underaged from  
2 using the platforms, or other youth-protecting features.

3 121. A reasonable company under the same or similar circumstances would have  
4 designed a safer product.

5 122. Plaintiff was harmed directly and proximately by the DEFENDANTS' failure to  
6 use reasonable care in the design of Facebook and Instagram.

7 123. The design of Facebook and Instagram was a proximate cause of Plaintiff's harms.

8 124. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and  
9 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
10 the Court deems proper.  
11

12 **THIRD CAUSE OF ACTION**

13 **PRODUCTS LIABILITY - FAILURE TO WARN**  
14

15 125. Plaintiff incorporates by reference each preceding and succeeding paragraph as  
16 though set forth fully at length herein.

17 126. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,  
18 pursuant to all laws that may apply under choice-of-law principles.

19 127. At all relevant times, the DEFENDANTS designed, developed, managed, operated,  
20 inspected, tested (or not), marketed, controlled, advertised, promoted, and or benefited from the  
21 products and platforms that Plaintiff used.  
22

23 128. The DEFENDANTS knew or, by the exercise of reasonable care, should have  
24 known use of Facebook and Instagram was dangerous, harmful and injurious when used by  
25 Plaintiff in a reasonably foreseeable manner, particularly with minors and young adults.

26 129. The DEFENDANTS knew or, by the exercise of reasonable care, should have  
27 known ordinary consumers such as Plaintiff would not have realized the potential risks and dangers  
28

1 of Facebook and Instagram. Facebook and Instagram are highly addictive and likely to cause  
2 mental and physical injuries as listed above.

3 130. The DEFENDANTS knew or, by the exercise of reasonable care, should have  
4 known that Facebook and Instagram posed risks, including the risks of social media addiction,  
5 depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm,  
6 insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating  
7 disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision,  
8 eye strain, among other harmful effects, as described herein, that were known and knowable in  
9 light of scientific and medical knowledge that was generally accepted in the scientific community  
10 at the time of development, dissemination, public release, and operation of the platforms.  
11

12 131. The DEFENDANTS owed a duty to all reasonably foreseeable users to disclose the  
13 risks associated with the use of Facebook and Instagram.  
14

15 132. The DEFENDANTS breached their duty of care by failing to use reasonable care  
16 in providing adequate warnings in the platforms' sign-up warnings, and through marketing,  
17 promoting and advertising of the platforms including that, according to its own research:

- 18 a. At least five-to-six percent of fourteen-year-olds admit to addiction to the platform;
- 19 b. Sixty-six percent of teen girls and forty-six percent of teen boys have experienced  
20 negative social comparisons on Instagram;
- 21 c. Facebook makes body-image issues worse for one-third of girls;
- 22 d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform makes  
23 thoughts of suicide and self-injury worse;
- 24 e. Seventeen percent of teen-girl Instagram users say the platform makes eating issues  
25 worse;
- 26 f. Instagram users are twice as likely to develop an eating disorder as those who don't  
27  
28

1 use social media.

2 133. Facebook and Instagram are also defective for failing to warn users that:

3 a. Engagement-based ranking and intermittent variable rewards are:

4 i. highly addictive,

5 ii. promote harmful social comparison,

6 iii. promote negative, controversial, and/or emotionally activating content,

7 iv. promote negative, harmful, and/or dangerous interest groups and/or  
8 content creators,

9 v. encourage bullying and conflict,

10 vi. can trap users in a cycle of viewing content that is innately harmful or in a  
11 manner that is harmful, such as content related to eating disorders,  
12 depression, or self-harm, and

13 vii. present a false reality (regarding one's comparative status to their peers,  
14 and/or the general state of world or political affairs);

15 viii. Face tracking and augmentation (image and video filters):

16 ix. inflict unrealistic and biased beauty standards upon users, and

17 x. cause harmful social comparison based on a misleading curation of peers'  
18 appearances and success, especially among teenage female users;

19 xi. The platforms cause the mental and physical health harms as listed above;

20 xii. The likelihood of these harms and likely severity for these harms are even  
21 greater for the developing brains of minors;

22 xiii. The likelihood and intensity of these harmful effects are exacerbated by the  
23 collaboration of these features; and

24 xiv. The likelihood and intensity of these harmful effects are increased by other  
25  
26  
27  
28

1 features and innerworkings of the platforms which are currently publicly  
2 unknown and hidden from users and governments.

3 134. The failure of DEFENDANTS to adequately warn about its defective products, and  
4 its efforts to misleadingly advertise through conventional and social media avenues, created a  
5 danger of injuries described herein that were reasonably foreseeable at the time of design,  
6 development, coding, operation, and dissemination of the platforms.

7  
8 135. Through their incredible power as the premier social media company (and/or  
9 association with that company), DEFENDANTS have silenced and suppressed information,  
10 research efforts, and public awareness efforts regarding the harmful health impact of their  
11 platforms.

12 136. Rather than warning users of likely harms, DEFENDANTS regularly fine-tune the  
13 platforms to aggressively socially and psychologically engineer new and ongoing users to increase  
14 addiction and exposure to their platforms, causing and increasing physical and psychological harm.  
15 The platforms encourage users to recruit more users across their personal electronic contacts.

16  
17 137. The failure of DEFENDANTS to adequately warn about its defective products—  
18 and its efforts to misleadingly advertise through conventional, online, and peer-to-peer avenues—  
19 created a danger of injuries described herein that were reasonably foreseeable at the time of design,  
20 distribution, and operation of the platforms.

21 138. At all relevant times, DEFENDANTS could have provided adequate warnings and  
22 instructions to prevent the harms and injuries set forth herein, such as providing full and accurate  
23 information about the products in advertising, at point of dissemination/account registration, and  
24 at various intervals of the user interface.

25  
26 139. A reasonable company under the same or similar circumstances would have warned  
27 and instructed of the dangers.  
28

140. Plaintiff was injured as a direct and proximate result of DEFENDANTS' failure to warn and instruct because she would not have used Facebook and Instagram had she received adequate warnings and instructions that the platforms could cause social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful effects.

141. Meta's lack of adequate and sufficient warnings and instructions, and its inadequate and misleading advertising, was a substantial contributing factor in causing the harm to Plaintiff.

142. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

#### FOURTH CAUSE OF ACTION

##### **PRODUCTS LIABILITY – NEGLIGENT MANUFACTURING**

143. Plaintiff incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

144. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles.

145. At all relevant times, DEFENDANTS designed, developed, managed, operated, inspected, tested (or not), marketed, controlled, advertised, promoted, and or benefited from the products and platforms that Plaintiff used.

146. The platforms DEFENDANTS had a duty to use exercise reasonable care, in the development, coding, operation, maintained, inspecting, testing, and dissemination of Facebook and Instagram.

1           147. DEFENDANTS knew or, by the exercise of reasonable care, should have known  
2 use of Facebook and Instagram carelessly developed, coded, operated, maintained, inspected,  
3 tested, and disseminated was dangerous, harmful and injurious when used by Plaintiff in a  
4 reasonably foreseeable manner.

5           148. DEFENDANTS knew or, by the exercise of reasonable care, should have known  
6 ordinary consumers such as Plaintiff would not have realized the potential risks and dangers of  
7 Facebook and Instagram improperly developed, coded, operated, maintained, inspected, tested,  
8 and disseminated.

9           149. Without limitation, examples of DEFENDANTS' breaching their duty to exercise  
10 reasonable care in development, management, maintenance, testing, and inspecting include:  
11

- 12           a. Failure to follow Good Manufacturing Practices ("GMPs");
- 13           b. Failure to inspect and test the computer programming underlying the platforms and  
14 features for errors, unintended output, or unintended executed results of a nature  
15 that could cause users harm;
- 16           c. Failure to adequately inspect/test Facebook and Instagram during the development  
17 process;
- 18           d. Failure to test the mental and physical health impacts of their platforms and product  
19 features, especially in regards to minors;
- 20           e. Failure to implement procedures that would measure and confirm the behavioral  
21 and mental health impact of the platforms;
- 22           f. Failure to timely establish procedures or practices to prevent Facebook and  
23 Instagram from having unintended mental and physical health consequences.
- 24           g. Failure to test and research the actual user health impact cause by the *interaction* of  
25 the algorithm and other harm causing features listed above;
- 26
- 27
- 28



1 h. Failure to test the platforms' output to users given various user inputs;

2 i. Failure to adequately test the user health result of specific computer coding and  
3 programs that constitute the platforms and their features.

4 150. A reasonable manufacturer under the same or similar circumstances would have  
5 implemented appropriate manufacturing procedures to better ensure the quality of their product.

6 151. Plaintiff was injured as a direct and proximate result of the platforms  
7 DEFENDANTS failure to use reasonable care in the development, coding, operation, maintenance,  
8 inspection, testing, and dissemination.  
9

10 152. DEFENDANTS negligent development, coding, operation, maintenance,  
11 inspection, testing, and dissemination of Facebook and Instagram was a substantial factor in  
12 causing Plaintiff's harms.

13 153. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and  
14 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
15 the Court deems proper.  
16

17 **FIFTH CAUSE OF ACTION**

18 **NEGLIGENCE AND/OR GROSS NEGLIGENCE**

19 154. Plaintiff incorporates by reference each preceding and succeeding paragraph as  
20 though set forth fully at length herein.

21 155. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,  
22 pursuant to all laws that may apply under choice-of-law principles.  
23

24 156. At all relevant times, DEFENDANTS designed, developed, managed, operated,  
25 inspected, tested (or not), marketed, advertised, promoted, disseminated, made publicly available,  
26 and/or benefited from Facebook and Instagram and therefore owed a duty of reasonable care to  
27 avoid causing harm to those that used it, such as Plaintiff.  
28

1           157. Facebook and Instagram were the types of products that could endanger others if  
2 negligently made or promoted.

3           158. DEFENDANTS had a duty of reasonable care in designing, manufacturing, coding,  
4 inspecting, testing, marketing, advertising, promoting, supplying, disseminating and/or making  
5 publicly available the platforms to avoid causing harm to those that used Facebook and Instagram.

6           159. DEFENDANTS knew, or should have known by the exercise of reasonable care,  
7 the risks to users of the platforms, of mental and physical health harms.

8           160. DEFENDANTS knew, or should have known by the exercise of reasonable care,  
9 that minors and young people would be attracted to these products.

10           161. DEFENDANTS knew or, by the exercise of reasonable care, should have known  
11 use of Facebook and Instagram was dangerous, harmful and injurious when used by Plaintiff in a  
12 reasonably foreseeable manner, particularly with minors and young adults.

13           162. DEFENDANTS knew or, by the exercise of reasonable care, should have known  
14 ordinary consumers such as Plaintiff would not have realized the potential risks and dangers of  
15 Facebook and Instagram. Facebook and Instagram are highly addictive and likely to cause mental  
16 and physical injuries as listed above.

17           163. DEFENDANTS knew or, by the exercise of reasonable care, should have known  
18 that Facebook and Instagram posed risks including the risks of social media addiction, depression,  
19 body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating  
20 disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of  
21 focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among  
22 other harmful effects, as described herein, that were known and knowable in light of scientific and  
23 medical knowledge that was generally accepted in the scientific community at the time of  
24 development, dissemination, public release, and operation of the platforms.  
25  
26  
27  
28

1           164. DEFENDANTS knew or should have known that Facebook and Instagram needed  
2 to be researched, designed, manufactured, coded, programmed, assembled, inspected, tested,  
3 marketed, advertised, promoted, operated, managed, maintained, supplied, disseminated, and/or  
4 made available properly, without defects and with due care to avoid needlessly causing harm.

5           165. DEFENDANTS knew or should have known that Facebook and Instagram would  
6 cause harm to users if the following features, among others, were included: (1) engagement-based  
7 ranking (sorting content on a user's feed based on engagement or "meaningful social interactions"  
8 rather than chronology); (2) intermittent variable rewards (a system of "likes", comments,  
9 strategically-timed notifications, promoting the content of new users and users who have not  
10 posted in a while, among other features); (3) face tracking and augmentation (*i.e.*, photo and video  
11 filters designed to make users appear more attractive); (4) endless scrollable content (especially  
12 auto-playing video content such as the Instagram "Reels" content feed); (5) the interaction of these  
13 features; and (6) other features of the platform which are currently unknown and hidden from users  
14 and governments.  
15

16           166. DEFENDANTS knew or should have known that engagement-based ranking and  
17 intermittent variable rewards are highly addictive, promote harmful social comparison, encourage  
18 bullying and conflict, can trap users in a cycle of viewing content that is innately harmful or in a  
19 manner that is harmful, and present a false reality. Image and video filters inflict unrealistic and  
20 biased beauty standards upon users and cause harmful social comparison based on a misleading  
21 curation of peers' appearances, especially among teenage female users.  
22

23           167. DEFENDANTS knew or should have known that the collaboration of these features  
24 multiplies the platforms' power to inflict harm by heightening the platform's addictive nature,  
25 increasing exposure to content that triggers negative social comparison, exposing users to innately  
26 harmful content, increasing time of exposure to harm, further encouraging bullying and promoting  
27  
28

1 conflict, and multiplying harm in other ways.

2 168. DEFENDANTS knew or should have known that the features combine to create a  
3 user interface of endless, auto-playing, image and video content, that is algorithmically sorted to  
4 place the most attention-grabbing content at the top and/or in a distilled feed that is very difficult  
5 to cease consuming, especially for young users. Content that is promoted by the algorithm is often  
6 related to beauty, success/wealth flaunting, or lifestyles, which causes negative physical or social  
7 comparison, especially among teens. Meta's algorithms also promote controversial, disturbing,  
8 negative, and/or emotionally charged content causing harm to users.  
9

10 169. DEFENDANTS knew or should have known that the combined result of these  
11 features is to present to users a false reality—it presents to users a world which is constantly  
12 controversial and negative; where most other people are exceedingly more attractive than the user;  
13 where most other people are exceedingly more successful and/or competent than the user; and  
14 which will facilitate and encourage harmful behaviors such as self-harm and eating disorders.  
15

16 170. DEFENDANTS knew or should have known that these features take advantage of  
17 biological systems, human behavior, and psychology, to addict and condition users to engage in  
18 repetitive content-consuming actions such as scrolling, "liking," and sharing content in search of  
19 repeated dopamine releases. All the while, the users' input and behavior are tracked to allow the  
20 platform to automatically tune itself to each individual user to become as addictive and difficult to  
21 stop engaging with as possible.  
22

23 171. DEFENDANTS knew or should have known that Facebook and Instagram could  
24 cause serious risk of harm, particularly to young persons and minors.

25 172. DEFENDANTS were negligent, reckless and careless and failed to take the care  
26 and duty owed to Plaintiff, thereby causing Plaintiff to suffer harm.

27 173. The negligence and extreme carelessness of DEFENDANTS includes, but is not  
28

1 limited to, the following:

- 2 a. Failure to perform adequate testing of the Facebook and Instagram prior to
- 3 marketing to ensure safety, including long-term testing of the product, and testing
- 4 for physical and mental health injuries;
- 5 b. Failure to warn consumers that Facebook and Instagram had not been adequately
- 6 tested or researched prior to marketing to ensure safety;
- 7 c. Failure to take reasonable care in the design of Facebook and Instagram;
- 8 d. Failure to use reasonable care in the production/development of Facebook and
- 9 Instagram;
- 10 e. Failure to use reasonable care in the operation of Facebook and Instagram;
- 11 f. Failure to use reasonable care in the coding/assembly of Facebook and Instagram;
- 12 g. Failure to use reasonable care in advertising, promoting, and marketing Facebook
- 13 and Instagram;
- 14 h. Failure to use reasonable care in the dissemination of Facebook and Instagram
- 15 without adequate warnings;
- 16 i. Use of a design that includes features that cause mental and physical harm,
- 17 including, but not limited to: (1) engagement-based ranking (sorting content on a
- 18 user's feed based on engagement or "meaningful social interactions" rather than
- 19 chronology); (2) intermittent variable rewards (a system of "likes," comments,
- 20 strategically-timed notifications, promoting the content of new users and users who
- 21 have not posted in a while, among other features); (3) face tracking and
- 22 augmentation (*i.e.*, photo and video filters designed to make users appear more
- 23 attractive); (4) endless scrollable content (especially auto-playing video content
- 24 such as the Instagram "Reels" content feed); (5) the interaction of these features;
- 25
- 26
- 27
- 28

1 and (6) other features of the platform which are currently unknown and hidden from  
2 users and governments;

3 j. Use of a design, engagement-based ranking and intermittent variable rewards that  
4 DEFENDANTS knew or should have known that are highly addictive, promote  
5 harmful social comparison, encourage bullying and conflict, can trap users in a  
6 cycle of viewing content that is innately harmful or in a manner that is harmful, and  
7 present a false reality. Image and video filters inflict unrealistic and biased beauty  
8 standards upon users and cause harmful social comparison based on a misleading  
9 curation of peers' appearances, especially among teenage female users;

10 k. Use of design features that DEFENDANTS knew or should have known would  
11 interact to multiply the platforms' power to inflict harm by heightening the  
12 platform's addictive nature, increasing exposure to content that triggers negative  
13 social comparison, exposing users to innately harmful content, increasing time of  
14 exposure to harm, further encouraging bullying and promoting conflict, and  
15 multiplying harm in other ways;

16 l. Use of design features that DEFENDANTS knew or should have known would  
17 combine to create a user interface of endless, auto-playing, image and video  
18 content, that is algorithmically sorted to place the most attention-grabbing content  
19 at the top and/or in a distilled feed that is very difficult to cease consuming,  
20 especially for young users. Content that is promoted by the algorithm is often  
21 related to beauty, success/wealth flaunting, or lifestyles, which causes negative  
22 physical or social comparison, especially among teens. Meta's algorithms also  
23 promote controversial, disturbing, negative, and/or emotionally charged content  
24 causing harm to users;

- m. Use of design features that DEFENDANTS knew or should have known would result in presenting to users a false reality—it presents to users a world which is constantly controversial and negative; most other people are exceedingly more attractive than the user, and most other people are more successful and/or competent than the user;
- n. Failure to inspect Facebook and Instagram for them to operate properly and avoid addiction, overuse, or mental health harms;
- o. Failure to reasonably and properly test and properly analyze the testing of Facebook and Instagram under reasonably foreseeable circumstances;
- p. Failure to warn consumers about the dangers associated with use of Facebook and Instagram, in that it was unsafe, causes social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful effects;
- q. Failure to subsequently remedy harm-causing features of the platforms after Meta had actual knowledge of harm to users;
- r. Failure to provide any instructions regarding a safe manner, frequency, and length of use of the platforms per day;
- s. Failure of DEFENDANTS to verify the age of consumers creating accounts and using Facebook and Instagram;
- t. Failure to recall Facebook and Instagram;
- u. All other failures, acts and omissions set forth herein.

174. DEFENDANTS' acts and omissions constitute gross negligence, because they

1 constitute a total lack of care and an extreme departure from what a reasonably careful company  
2 would do in the same situation to prevent foreseeable harm to Plaintiff.

3 175. DEFENDANTS acted and/or failed to act willfully, and with conscious and  
4 reckless disregard for the rights and interests of Plaintiff, and their acts and omissions had a great  
5 probability of causing significant harm and in fact resulted in such harm to Plaintiff.

6 176. Based on their strategic and intentional promotion, advertising and marketing  
7 history, DEFENDANTS reasonably should have foreseen that young people would try Facebook  
8 and Instagram and quickly become addicted to Facebook and Instagram, resulting in teenagers and  
9 young adults developing lifelong addictions. After fine-tuning the product to addict users using  
10 features that also result in serious mental health and physical harms, DEFENDANTS reasonably  
11 should have foreseen the emotional distress this would cause on the individuals who would get  
12 addicted, as well the stress this would place on their loved ones around them.

13 177. Defendants intentionally created an attractive nuisance to children, but  
14 simultaneously failed to provide adequate warnings or safeguards from the harmful effects they  
15 knew were occurring.

16 178. Plaintiff was injured as a direct and proximate result of negligence and/or gross  
17 negligence as described herein.

18 179. DEFENDANTS' negligence and/or gross negligence were a substantial factor in  
19 causing and or contributing to Plaintiff's harms.

20 180. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and  
21 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
22 the Court deems proper.  
23  
24  
25  
26  
27  
28



**SIXTH CAUSE OF ACTION**

**VIOLATIONS OF CALIFORNIA’S UNFAIR COMPETITON LAW**

**(Cal. Bus. & Prof. Code §§ 17200 et seq.)**

181. Plaintiff incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

182. Defendants are corporations, and thus each of them is a “person,” as defined by California Business & Professions Code § 17201.

183. The UCL prohibits all conduct that is unlawful, unfair, or fraudulent.

184. Defendant’s conduct is unlawful as set forth above.

185. Defendant’s conduct is unlawful also because it has knowledge of users under the age of 13 on its platform and, in fact, actively targets, markets to, and encourages use of its social media product by minors under the age of 13.

186. Defendant engaged in fraudulent and deceptive business practices in violation of the UCL by promoting products to underage users, while concealing critical information regarding the addictive nature and risk of harm these products pose. Defendant knew and should have known that its statements and omissions regarding the addictive and harmful nature of its product were misleading and therefore likely to deceive the members of the public who use Defendant’s product

187. Defendant’s practices are unfair and violate the UCL because they offend established public policy, and because the harm these practices cause to consumers greatly outweighs any benefits associated with them.

188. Defendant’s conduct has resulted in substantial injuries that Plaintiffs could not reasonably have avoided because of Defendant’s deceptive conduct. This substantial harm is not outweighed by any countervailing benefits to consumers or competition.

189. As a direct and proximate result of the foregoing acts and practices, Defendant has

1 received, or will receive, income, profits, and other benefits, which it would not have received if  
2 it had not engaged in the violations of the UCL described herein. As a direct and proximate result  
3 of the foregoing acts and practices, Defendant has also obtained an unfair advantage over similar  
4 businesses that have not engaged in such practices.

5 190. As a result of Defendant's UCL violations, Plaintiffs have suffered injury in fact  
6 and lost money as set forth herein.

7 191. Accordingly, Plaintiffs seek injunctive and equitable relief to halt and remedy  
8 Defendant's unlawful, fraudulent, and unfair conduct.  
9

## 10 SEVENTH CAUSE OF ACTION

### 11 FRAUD

12 192. Plaintiff incorporates by reference each preceding and succeeding paragraph as  
13 though set forth fully at length herein.

14 193. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,  
15 pursuant to all laws that may apply under choice-of-law principles.  
16

17 194. At all relevant times, DEFENDANTS designed, developed, managed, operated,  
18 inspected, tested (or not), marketed, advertised, promoted, disseminated, made publicly available,  
19 and/or benefited from Facebook and Instagram and therefore owed a duty of reasonable care to  
20 avoid causing harm to those that used it, such as Plaintiff.

21 195. DEFENDANTS' marketing, promotions and advertisements contained deceptive  
22 and/or misleading statements, implications, images, and portrayals that the platforms were safe,  
23 improved social connectivity, and improved the mental and physical health of its users. For  
24 example, Meta's investor relations page states that "Facebook's mission is to give people the power  
25 to build community and bring the world closer together. People use Facebook to stay connected  
26 with friends and family, to discover what's going on in the world, and to share and express what  
27  
28

1 matters to them.”<sup>10</sup> In actuality, Facebook and Instagram pose a serious risk to users’  
 2 mental and physical health, which Meta has long known.

3 196. DEFENDANTS’ marketing, promotions and advertisements failed to disclose that  
 4 the platforms, by contrast, were likely to cause social media addiction, depression, body  
 5 dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder,  
 6 anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus,  
 7 ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other  
 8 harms.  
 9

10 197. The omissions were misleading and deceptive standing alone and were particularly  
 11 deceptive in light of Meta’s marketing, promotions and advertising of Facebook and Instagram as  
 12 positive for users mental and physical health.

13 198. DEFENDANTS represented to Plaintiff—via the media, internet, advertising, its  
 14 website, the platforms themselves, other social media, and promotions—that:  
 15

- 16 a. Facebook and Instagram were safe and were not harmful;
- 17 b. Facebook and Instagram were positive and beneficial to a users’ wellbeing,  
 18 improved social connectivity, and improved the mental and physical health of its  
 19 users;
- 20 c. Long-term, frequent, prolonged use was harmless;
- 21 d. Facebook and Instagram increased social connectivity, rather than causing feelings  
 22 of isolation;
- 23 e. An inaccurate and misleading portrayal of the platforms mental and physical health  
 24 impact; and
- 25 f. Other misrepresentations described herein.  
 26

27 199. DEFENDANTS omitted/failed to ever inform Plaintiff and other consumers, by  
 28

any media, that, according to its own research:

- a. At least five-to-six percent of fourteen-year-olds admit to addiction to the platform;
- g. Sixty-six percent of teen girls and forty-six percent of teen boys have experienced negative social comparisons on Instagram;
- h. Facebook makes body-image issues worse for one-third of girls;
- i. Thirteen-and-one-half percent of teen-girl Instagram users say the platform makes thoughts of suicide and self-injury worse;
- j. Seventeen percent of teen-girl Instagram users say the platform makes eating issues worse; and
- k. Instagram users are twice as likely to develop an eating disorder as those who don't use social media.

200. Meta also omitted/failed to inform users that, as it knew or should have known:

- a. Engagement-based ranking and intermittent variable rewards are:
  - i. highly addictive,
  - ii. promote harmful social comparison,
  - iii. promote negative, controversial, and/or emotionally activating content,
  - iv. promote negative, harmful, and/or dangerous interest groups and/or content creators,
  - v. encourage bullying and conflict,
  - vi. can trap users in a cycle of viewing content that is innately harmful or in a manner that is harmful, such as content related to eating disorders, depression, or self-harm, and
  - vii. present a false reality (regarding one's comparative status to their peers,

and/or the general state of world or political affairs);

b. Face tracking and augmentation (image and video filters):

i. inflict unrealistic and biased beauty standards upon users, and

ii. cause harmful social comparison based on a misleading curation of peers' appearances and success, especially among teenage female users;

c. The platforms cause the mental and physical health harms as listed above;

d. The likelihood of these harms and likely severity for these harms are even greater for the developing brains of minors; and

e. The likelihood and intensity of these harmful effects are exacerbated by the collaboration of these features.

201. These representations were false and material. These omissions also communicated falsehoods and were material. The platforms are unsafe and were known by Meta to cause mental and physical health harms, especially in youth, such as social media addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harmful effects.

202. The above representations were communicated to Plaintiff.

203. Through their incredible power as the premier social media company (and/or association with that company), DEFENDANTS have silenced and suppressed information, research efforts, and public awareness efforts regarding the harmful health impact of their platforms.

204. DEFENDANTS' conduct was fraudulent and deceptive because their misrepresentations and omissions had the capacity to, were likely to, and, in fact, did deceive

1 reasonable consumers including the Plaintiff. Reasonable consumers, including the Plaintiff,  
2 would have found it material to their purchasing decisions that the platforms' products posed  
3 unreasonable risks of substantial mental and bodily injury, including addiction resulting from the  
4 use of the products. Knowledge of these facts would have been a substantial factor in Plaintiff's  
5 decisions to purchase and consume Facebook and Instagram.

6 205. DEFENDANTS owed Plaintiff a duty to disclose these facts because they were  
7 known and/or accessible exclusively to DEFENDANTS, who have had exclusive and superior  
8 knowledge of the facts; because the facts would be material to reasonable consumers; because the  
9 platforms pose an unreasonable risk of substantial mental and bodily injury; and because the  
10 platforms made partial representations concerning the same subject matter as the omitted facts.  
11

12 206. Plaintiff reasonably and justifiably relied on the misrepresentations and/or  
13 omissions. Reasonable consumers would have been expected to have relied on the platforms'  
14 misrepresentations and omissions.  
15

16 207. DEFENDANTS knew or should have known that its misrepresentations and/or  
17 omissions were false and misleading, and intended for consumers to rely on such  
18 misrepresentations and omissions.

19 208. DEFENDANTS' misrepresentations and/or omissions were a substantial factor in  
20 causing Plaintiff's harms. Plaintiff was injured as a direct and proximate result of DEFENDANTS'  
21 fraudulent conduct as described herein.  
22

23 209. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and  
24 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
25 the Court deems proper.  
26  
27  
28

**EIGHTH CAUSE OF ACTION**

**FRAUDULENT CONCEALMENT**

210. Plaintiff incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

211. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense, pursuant to all laws that may apply under choice-of-law principles.

212. At all relevant times, DEFENDANTS designed, developed, managed, operated, inspected, tested (or not), marketed, advertised, promoted, disseminated, made publicly available, and/or benefited from Facebook and Instagram and therefore owed a duty of reasonable care to avoid causing harm to those that used it, such as Plaintiff.

213. DEFENDANTS had a duty to disclose material facts about Facebook and Instagram to Plaintiff.

214. DEFENDANTS fraudulently and deceptively marketed Facebook and Instagram to Plaintiff as safe, healthful, or not harmful, and beneficial to user mental health and social connectedness when DEFENDANTS knew it to be untrue.

215. DEFENDANTS fraudulently and deceptively downplayed or minimized any risk associated with its platforms and product features. DEFENDANTS and others worked together to pitch news stories or other media content designed to downplay the risks of its platforms, suggesting that any concern was overblown, or a panic. These tactics mimic those used by the tobacco industry to sow seeds of doubt and confusion among the public, to initiate new users, to keep customers using Facebook and Instagram, and to avoid regulation or legislative efforts to control Meta.

216. Through their incredible power as the premier social media company (and/or association with that company), DEFENDANTS have silenced and suppressed information,

1 research efforts, and public awareness efforts regarding the harmful health impact of their  
2 platforms.

3 217. DEFENDANTS fraudulently and deceptively concealed that Facebook and  
4 Instagram can cause social media addiction, depression, body dysmorphia, anxiety, suicidal  
5 ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa, bulimia  
6 nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty sleeping,  
7 fatigue, headaches, migraines, loss of vision, eye strain, among other harms.  
8

9 218. DEFENDANTS fraudulently and deceptively concealed they had not adequately  
10 researched or tested the platforms and its features to assess its safety before offering it on the  
11 market and promoting it to young people and adults.

12 219. DEFENDANTS fraudulently and deceptively concealed that the platforms were  
13 powerfully addictive.

14 220. DEFENDANTS further failed to disclose to Plaintiff that the platforms are designed  
15 to create and sustain an addiction. DEFENDANTS also manipulated the platforms algorithms and  
16 features in ways that could and would impact their addictiveness and mental health impact, and  
17 DEFENDANTS did so without notifying Plaintiff. DEFENDANTS actively concealed the  
18 innerworkings of its platforms and their mental health impacts.  
19

20 221. DEFENDANTS concealed from Plaintiff that, according to its own research:

- 21 a. At least five-to-six percent of fourteen-year-olds admit to addiction to the  
22 platform;  
23  
24 b. Sixty-six percent of teen girls and forty-six percent of teen boys have  
25 experienced negative social comparisons on Instagram;  
26  
27 c. Facebook makes body-image issues worse for one-third of girls;  
28  
d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform



1 makes thoughts of suicide and self-injury worse;

2 e. Seventeen percent of teen-girl Instagram users say the platform makes eating issues  
3 worse; and

4 f. Instagram users are twice as likely to develop an eating disorder as those who don't  
5 use social media.

6 222. DEFENDANTS also concealed from Plaintiff that:

7 a. Engagement-based ranking and intermittent variable rewards are:

8 i. highly addictive,

9 ii. promote harmful social comparison,

10 iii. promote negative, controversial, and/or emotionally activating content,

11 iv. promote negative, harmful, and/or dangerous interest groups and/or content  
12 creators,

13 v. encourage bullying and conflict,

14 vi. can trap users in a cycle of viewing content that is innately harmful or in a  
15 manner that is harmful, such as content related to eating disorders,  
16 depression, or self-harm, and

17 vii. present a false reality (regarding one's comparative status to their peers,  
18 and/or the general state of world or political affairs);

19 b. Face tracking and augmentation (image and video filters):

20 i. inflict unrealistic and biased beauty standards upon users, and

21 ii. cause harmful social comparison based on a misleading curation of peers'  
22 appearances and success, especially among teenage female users;

23 c. The platforms cause the mental and physical health harms as listed above;

24 d. The likelihood of these harms and likely severity for these harms are even greater  
25  
26  
27  
28

1 for the developing brains of minors;

2 e. The likelihood and intensity of these harmful effects are exacerbated by the  
3 collaboration of these features; and

4 f. The likelihood and intensity of these harmful effects are increased by other features  
5 and innerworkings of the platforms which are currently publicly unknown and  
6 hidden from users and governments.

7  
8 223. Each of these misrepresentations and omissions were material at the time they were  
9 made. Each of the misrepresentations and omissions concerned material facts that were essential  
10 to the analysis undertaken by Plaintiff as to whether to register or use the platforms.

11 224. Plaintiff did not know of the facts that DEFENDANTS concealed.

12 225. DEFENDANTS intended to deceive Plaintiff and the public by concealing these  
13 facts.

14 226. DEFENDANTS had a duty to accurately provide this information to Plaintiff. In  
15 concealing this information from Plaintiff, DEFENDANTS breached their duty. DEFENDANTS  
16 also gained financially from this concealment, and because of their breach.

17 227. DEFENDANTS had ample opportunities to disclose these facts to Plaintiff, through  
18 advertising, on its websites, platforms, and on other social media. DEFENDANTS concealed  
19 material information at all relevant times, through today. DEFENDANTS have yet to disclose the  
20 truth about Facebook and Instagram.

21  
22 228. Plaintiff relied to her detriment on DEFENDANTS' fraudulent omissions. Had  
23 Plaintiff been adequately informed of the material facts concealed from her regarding the safety of  
24 the platforms, and not intentionally deceived by DEFENDANTS, she would not have signed up  
25 for or used Facebook and Instagram.

26  
27 229. DEFENDANTS' fraudulent concealment was a substantial factor in Plaintiff's  
28

1 harms as described herein, including: attempted suicide, multiple periods of suicidal ideation,  
2 depression, anxiety, an eating disorder, social media compulsion, and a reduced inclination or  
3 ability to sleep, among other harmful effects, which may cause or contribute to additional disease.

4 230. Plaintiff was injured as a direct and proximate result of DEFENDANTS' fraudulent  
5 conduct as described herein.

6 231. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and  
7 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
8 the Court deems proper.  
9

10 **NINTH CAUSE OF ACTION**

11 **CONSPIRACY TO COMMIT FRAUD**

12 232. Plaintiff incorporates by reference each preceding and succeeding paragraph as  
13 though set forth fully at length herein.

14 233. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,  
15 pursuant to all laws that may apply under choice-of-law principles.  
16

17 234. DEFENDANTS entered into an agreement to advance their financial interests by  
18 injuring Plaintiff. Specifically, DEFENDANTS worked in concert to maintain and maximize the  
19 number of users addicted to Facebook and Instagram to ensure a steady and growing customer  
20 base.

21 235. DEFENDANTS sought to accomplish this objective by: (1) designing a product  
22 that was intended to addict its users to dopamine-triggering stimuli on its electronic platforms  
23 (similar to electronic gambling platforms); (2) marketing, advertising, promoting and misbranding  
24 that platform to consumers, including the vulnerable youth market; and (3) defrauding regulators  
25 and the public to advance their interests.  
26

27 236. Plaintiff's addiction to the platforms was a primary object of the Conspiracy.  
28

1           237. DEFENDANTS orchestrated efforts with a unity of purpose to addict this  
2 generation of teenagers and young adults to its platforms by way of unlawful conduct in marketing,  
3 promoting, manufacturing, designing, and disseminating Facebook and Instagram that  
4 substantially contributed to the Plaintiff's injuries as alleged herein.

5           238. DEFENDANTS further conspired with one another by setting out to entice and lure  
6 new users of the platforms as a wrongful, unlawful, and tortious means to make a profit.

7           239. Plaintiff demands the applicable relief set forth in the Prayer for Relief below.

8           240. DEFENDANTS' conspiracy involved:

- 9
- 10           a. Developing social media platforms to be as addictive as possible, regardless of
  - 11                 mental and physical health impacts;
  - 12           b. Suppressing internal and external efforts to research the harmful effects of those
  - 13                 platforms;
  - 14           c. Suppressing internal and external efforts to inform consumers of the harmful effects
  - 15                 of those platforms;
  - 16           d. Making knowingly false and misleading representations and omissions to
  - 17                 government organizations, personnel, legislators, and regulators, including at
  - 18                 congressional hearings; and
  - 19           e. Engaging in lobbying efforts and political donations to discourage office
  - 20                 holders from performing oversight of its platforms.

21

22           241. DEFENDANTS' conduct violated state law and constituted a conspiracy to harm

23 Plaintiff. Plaintiff brings a cause of action for conspiracy to commit fraud under applicable state

24 statutory and common law.

25

26           242. DEFENDANTS' conspiracy to commit fraud was a substantial factor in causing

27 Plaintiff's harms. Plaintiff was injured, as described herein, as a direct and proximate result of

28

1 DEFENDANTS' unlawful conspiracy as described herein.

2 243. Plaintiff demands judgment against Defendants for compensatory, treble, and  
3 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
4 the Court deems proper.

5 **TENTH CAUSE OF ACTION**

6 **UNJUST ENRICHMENT**

7  
8 244. Plaintiff incorporates by reference each preceding and succeeding paragraph as  
9 though set forth fully at length herein.

10 245. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,  
11 pursuant to all laws that may apply under choice-of-law principles.

12 246. At all relevant times, DEFENDANTS designed, developed, managed, operated,  
13 inspected, tested (or not), marketed, advertised, promoted, disseminated, made publicly available,  
14 and/or benefited from Facebook and Instagram and therefore owed a duty of reasonable care to  
15 avoid causing harm to those that used it, such as Plaintiff.

16  
17 247. DEFENDANTS concealed from Plaintiff that, according to its own research:

- 18 a. At least five-to-six percent of fourteen-year-olds admit to addiction to the  
19 platform;  
20 b. Sixty-six percent of teen girls and forty-six percent of teen boys have  
21 experienced negative social comparisons on Instagram;  
22 c. Facebook makes body-image issues worse for one-third of girls;  
23 d. Thirteen-and-one-half percent of teen-girl Instagram users say the platform  
24 makes thoughts of suicide and self-injury worse;  
25 e. Seventeen percent of teen-girl Instagram users say the platform makes eating issues  
26 worse; and  
27  
28

- 1 f. Instagram users are twice as likely to develop an eating disorder as those who don't  
2 use social media.

3 248. DEFENDANTS also concealed from Plaintiff that:

- 4 a. Engagement-based ranking and intermittent variable rewards are:
- 5 i. highly addictive,
- 6 ii. promote harmful social comparison,
- 7 iii. promote negative, controversial, and/or emotionally activating content,
- 8 iv. promote negative, harmful, and/or dangerous interest groups and/or content
- 9 creators,
- 10 v. encourage bullying and conflict,
- 11 vi. can trap users in a cycle of viewing content that is innately harmful or in a
- 12 manner that is harmful, such as content related to eating disorders,
- 13 depression, or self-harm, and
- 14 vii. present a false reality (regarding one's comparative status to their peers,
- 15 and/or the general state of world or political affairs);
- 16 b. Face tracking and augmentation (image and video filters):
- 17 i. inflict unrealistic and biased beauty standards upon users, and
- 18 ii. cause harmful social comparison based on a misleading curation of peers'
- 19 appearances and success, especially among teenage female users;
- 20 c. The platforms cause the mental and physical health harms as listed above;
- 21 d. The likelihood of these harms and likely severity for these harms are even greater
- 22 for the developing brains of minors;
- 23 e. The likelihood and intensity of these harmful effects are exacerbated by the
- 24 interaction of these features; and
- 25
- 26
- 27
- 28

1           f. The likelihood and intensity of these harmful effects are increased by other features  
2           and innerworkings of the platforms which are currently publicly unknown and  
3           hidden from users and governments.

4           249. DEFENDANTS received a measurable benefit at the expense of Plaintiff in the  
5           form of ad revenue and other revenue derived from consumers use of Facebook and Instagram.

6           250. DEFENDANTS appreciated, recognized, and chose to accept the monetary benefits  
7           Plaintiff's registration and use of the platforms conferred onto DEFENDANTS at the Plaintiff's  
8           detriment. These benefits were the expected result of DEFENDANTS acting in their pecuniary  
9           interests at the expense of its users.

11          251. The harm causing features listed above were the same platform components that  
12          increased Meta's revenue—addiction and overuse of the platforms directly creates increased ad  
13          revenue for the company. The benefit to Meta came directly at the expense of the Plaintiff's time,  
14          mental wellness, and physical health.

15          252. There is no justification for DEFENDANTS' enrichment. It would be inequitable,  
16          unconscionable, and unjust for DEFENDANTS to be permitted to retain these benefits because  
17          the benefits were procured because of their wrongful conduct.

18          253. DEFENDANTS wrongfully obfuscated the harm caused by their conduct. Thus,  
19          Plaintiff, who mistakenly enriched DEFENDANTS by relying on DEFENDANTS' fraudulent  
20          representations, could not and did not know the effect that using Facebook and Instagram would  
21          have on Plaintiff's health.

22          254. Plaintiff is entitled to restitution of the benefits DEFENDANTS unjustly retained  
23          and/or any amounts necessary to return Plaintiff to the position she occupied prior to dealing with  
24          DEFENDANTS. Due to the sprawling, decades-long concern about the impacts of technology and  
25          the internet on mental and physical health, and litigation commonly following injuries afflicted  
26          the internet on mental and physical health, and litigation commonly following injuries afflicted  
27          the internet on mental and physical health, and litigation commonly following injuries afflicted  
28          the internet on mental and physical health, and litigation commonly following injuries afflicted

1 using the internet, and other notice they have received because of lawsuits filed against them,  
2 DEFENDANTS are reasonably notified that Plaintiff would expect compensation from  
3 DEFENDANTS' unjust enrichment stemming from their wrongful actions.

4 255. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and  
5 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
6 the Court deems proper.

#### 8 **ELEVENTH CAUSE OF ACTION**

##### 9 **BREACH OF EXPRESS WARRANTY**

10 256. Plaintiff incorporates by reference each preceding and succeeding paragraph as  
11 though set forth fully at length herein.

12 257. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,  
13 pursuant to all laws that may apply under choice-of-law principles.

14 258. At all relevant times, DEFENDANTS designed, developed, managed, operated,  
15 inspected, tested (or not), marketed, advertised, promoted, disseminated, made publicly available,  
16 and/or benefited from Facebook and Instagram and therefore owed a duty of reasonable care to  
17 avoid causing harm to those that used it, such as Plaintiff.

18 259. DEFENDANTS violated state law for breach of express warranties and Plaintiff  
19 herein will bring a cause of action for breach of express warranty under applicable State common  
20 law.  
21

22 260. Upon information and belief, DEFENDANTS expressly warranted through public  
23 statements, press releases, advertisements, marketing materials, sign-up notices, clickwrap (and/or  
24 browwrap or scrollwrap), and descriptions that the platforms Facebook and Instagram were safe  
25 for their intended use and that they were safe for youth to use.  
26

27 261. Upon information and belief, DEFENDANTS expressly warranted to consumers,  
28



1 like Plaintiff, through written or electronic statements, descriptions, and affirmations of fact on its  
2 websites, advertising, and marketing materials that Facebook and Instagram would improve users'  
3 mental health, sense of community, and emotional connectedness with others.

4 262. These affirmations of fact became the basis of the bargain between DEFENDANTS  
5 and Plaintiff, thereby creating express warranties that Facebook and Instagram would conform to  
6 Meta's affirmations of fact, representations, promises, and descriptions.

7 263. As described herein, the platforms actually use features that cause social media  
8 addiction, depression, body dysmorphia, anxiety, suicidal ideation, self-harm, thoughts of self-  
9 harm, insomnia, eating disorder, anorexia nervosa, bulimia nervosa, death by suicide, death by  
10 eating disorder, lack of focus, ADHD, difficulty sleeping, fatigue, headaches, migraines, loss of  
11 vision, eye strain, among other harms, which may cause or contribute to additional disease.

12 264. These express communications contained misrepresentations and failed to warn of  
13 the serious and known risks of Facebook and Instagram as alleged herein.

14 265. When DEFENDANTS made these express warranties, they knew the intended  
15 purposes of Facebook and Instagram and warranted the product to be, in all respects, safe and  
16 proper for such purposes.

17 266. DEFENDANTS authored the documents and/or made the statements upon which  
18 these warranty claims were based and, in doing so, defined the terms of those warranties. The  
19 Facebook and Instagram platforms made available by DEFENDANTS did not conform to  
20 DEFENDANTS' promises, descriptions or affirmations and were not adequately designed,  
21 developed, tested, promoted and/or fit for the ordinary purposes for which they were intended.

22 267. All of the aforementioned written or electronic materials are known to  
23 DEFENDANTS and in their possession, and it is Plaintiff's belief that these materials shall be  
24 produced by DEFENDANTS and made part of the record once discovery is completed.

1           268. DEFENDANTS' breach of these express warranties were a substantial factor in  
2 causing Plaintiff's harms.

3           269. As a direct and proximate result of DEFENDANTS' breach of these warranties,  
4 Plaintiff suffered serious injuries and/or sequelae thereto as alleged herein.

5           270. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and  
6 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
7 the Court deems proper.  
8

## 9   TWELFTH CAUSE OF ACTION

### 10                                   BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY

11           271. Plaintiff incorporates by reference each preceding and succeeding paragraph as  
12 though set forth fully at length herein.

13           272. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,  
14 pursuant to all laws that may apply under choice-of-law principles.  
15

16           273. At all relevant times, DEFENDANTS designed, developed, managed, operated,  
17 inspected, tested (or not), marketed, advertised, promoted, disseminated, made publicly available,  
18 and/or benefited from Facebook and Instagram and therefore owed a duty of reasonable care to  
19 avoid causing harm to those that used it, such as Plaintiff.  
20

21           274. DEFENDANTS at all times were merchants with respect to the Facebook and  
22 Instagram platforms provided to Plaintiff and were in the business of programming, developing,  
23 disseminating, and operating such products.

24           275. Each platform Meta provided comes with an implied warranty that it will be  
25 merchantable and fit for the ordinary purpose for which it would be used.

26           276. The ordinary intended purposes of the platforms—and the purpose for which they  
27 are marketed, promoted, and made available—is to serve as safe social media platforms and allow  
28

1 users to connect with friends, create new and palatable association with strangers, and groups  
2 online.

3 277. The platforms are not fit for that use—or any other use—because they pose  
4 significant risks of substantial mental and physical injury resulting from the use of the products.  
5 When used as intended or reasonably foreseeable, Facebook and Instagram adversely impact,  
6 worsen, or aggravate users’ mental health.

7  
8 278. Due to these and other features, the platforms are not fit for their ordinary, intended  
9 use and Facebook and Instagram are in fact defective and fail to conform to the platforms implied  
10 warranties.

11 279. DEFENDANTS have unlawfully breached the platforms implied warranty of  
12 merchantability because Facebook and Instagram were not in merchantable condition when made  
13 available, were defective when made available, and do not possess even the most basic degree of  
14 fitness for ordinary use.

15  
16 280. Despite having received notice of these defects, DEFENDANTS continue to  
17 misrepresent the nature of its products and breach its implied warranties.

18 281. Plaintiff has had sufficient direct dealings with the platforms DEFENDANTS via  
19 its website, apps, platforms, or through retailers acting as agents authorized to distribute Facebook  
20 and Instagram (Apple/the “App Store”) to establish privity between the platforms.

21 282. Further, Plaintiff was a third-party beneficiary of the platforms’ agreements with  
22 other entities for the distribution of Facebook and Instagram to consumers. Specifically, Plaintiff  
23 is the intended beneficiary of the platforms’ implied warranties. The platforms’ products are  
24 manufactured with the express purpose and intent of being made accessible to consumers.

25  
26 283. Plaintiff would not have used Facebook and Instagram, or would not have  
27 registered or used on the same terms, had she known the facts these Defendants failed to disclose.  
28

1           284. DEFENDANTS' breach of these warranties were a substantial factor in causing  
2 Plaintiff's harms.

3           285. Plaintiff was injured as a direct and proximate result of DEFENDANTS' breach of  
4 implied warranties of merchantability. Plaintiff has been harmed by DEFENDANTS' failure to  
5 deliver merchantable products in the form of addiction and other negative health consequences.

6           286. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and  
7 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
8 the Court deems proper.  
9

10                           **THIRTEENTH CAUSE OF ACTION**

11                           **FITNESS FOR A PARTICULAR PURPOSE**

12           287. Plaintiff incorporates by reference each preceding and succeeding paragraph as  
13 though set forth fully at length herein.

14           288. Plaintiff pleads all Causes of Action of this Complaint in the broadest sense,  
15 pursuant to all laws that may apply under choice-of-law principles.  
16

17           289. At all relevant times, DEFENDANTS designed, developed, managed, operated,  
18 inspected, tested (or not), marketed, advertised, promoted, disseminated, made publicly available,  
19 and/or benefited from Facebook and Instagram and therefore owed a duty of reasonable care to  
20 avoid causing harm to those that used it, such as Plaintiff.

21           290. DEFENDANTS violated state law for breach of implied warranties and Plaintiff  
22 herein will bring a cause of action for breach of implied warranty of fitness for a particular purpose  
23 under applicable State common law.  
24

25           291. Plaintiff intended to use Facebook and Instagram as safe social media platforms  
26 and to improve Plaintiff's mental health, sense of community, and emotional connectedness with  
27 others.  
28

1           292. DEFENDANTS knew at that time of account registration, and/or had reason to  
2 know, the particular purpose for which the products were required by Plaintiff, as evidenced by  
3 DEFENDANTS' written and/or electronic statements, descriptions, and affirmations of fact on its  
4 websites, print or electronic advertising, marketing materials, sign-up notices, and clickwrap  
5 (and/or browsewrap or scrollwrap) that Facebook and Instagram would improve users' mental  
6 health, sense of community, and emotional connectedness with others.

7  
8           293. DEFENDANTS knew at that time of account registration, and/or had reason to  
9 know, that Plaintiff was relying on DEFENDANTS' skill or judgment to select or furnish suitable  
10 social media platforms.

11           294. DEFENDANTS did not effectively exclude or modify this implied warranty at any  
12 point during users' registration and interface with the platforms.

13           295. As described herein, DEFENDANTS breached this implied warranty because the  
14 platforms use features that cause social media addiction, depression, body dysmorphia, anxiety,  
15 suicidal ideation, self-harm, thoughts of self-harm, insomnia, eating disorder, anorexia nervosa,  
16 bulimia nervosa, death by suicide, death by eating disorder, lack of focus, ADHD, difficulty  
17 sleeping, fatigue, headaches, migraines, loss of vision, eye strain, among other harms, which may  
18 cause or contribute to additional disease.

19  
20           296. DEFENDANTS knew the Plaintiff's intended purposes for Facebook and  
21 Instagram and impliedly warranted the product to be, in all respects, safe and proper for such  
22 purposes.

23  
24           297. DEFENDANTS authored the documents and/or made the statements upon which  
25 these warranty claims were based and, in doing so, defined the terms of those warranties. The  
26 Facebook and Instagram made available by DEFENDANTS did not conform to DEFENDANTS'  
27 promises, descriptions or affirmations and were not adequately designed, developed, tested,  
28

1 promoted and/or fit for the particular purposes for which they were intended.

2 298. All of the aforementioned written or electronic materials are known to  
3 DEFENDANTS and in their possession, and it is Plaintiff's belief that these materials shall be  
4 produced by DEFENDANTS and made part of the record once discovery is completed.

5 299. DEFENDANTS' breach of these implied warranties were a substantial factor in  
6 causing Plaintiff's harms.

7 300. As a direct and proximate result of DEFENDANTS' breach of these warranties,  
8 Plaintiff suffered serious injuries and/or sequelae thereto as alleged herein.

9 301. Plaintiff demands judgment against DEFENDANTS for compensatory, treble, and  
10 punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as  
11 the Court deems proper.

## 12 **VII. TIMELINESS AND TOLLING OF STATUTES OF LIMITATIONS**

13 302. Through the exercise of reasonable diligence, Plaintiff did not and could not have  
14 discovered that Facebook and Instagram caused her injuries and/or sequelae thereto because, at  
15 the time of these injuries and/or sequelae thereto, the cause was unknown to Plaintiff.

16 303. Plaintiff did not suspect and had no reason to suspect Facebook and Instagram  
17 caused her injuries and/or sequelae thereto until less than the applicable limitations period prior to  
18 the filing of this action.

19 304. In addition, DEFENDANTS' fraudulent concealment has tolled the running of any  
20 statute of limitations. Through their affirmative misrepresentations and omissions,  
21 DEFENDANTS actively concealed from Plaintiff the risks associated with the defects of Facebook  
22 and Instagram and that these products caused her injuries and/or sequelae thereto. Through their  
23 ongoing affirmative misrepresentations and omissions, DEFENDANTS committed continual  
24 tortious, and fraudulent acts.

305. As a result of DEFENDANTS' fraudulent concealment, Plaintiff was unaware and could not have reasonably known or learned through reasonable diligence that she had been exposed to the defects and risks alleged herein and that those defects and risks were the direct and proximate result of DEFENDANTS' acts and omissions.

#### **VIII. DEMAND FOR A JURY TRIAL**

Plaintiff hereby demands a trial by jury.

#### **IX. PRAYER FOR RELIEF**

Plaintiff prays for judgment against DEFENDANTS to the full extent of the law, including but not limited to:

1. Entering judgment for Plaintiff and against DEFENDANTS;
2. Entering an Order that Defendants are jointly and severally liable;
3. Damages to compensate Plaintiff for injuries sustained as a result of the use of the platforms, including, but not limited to, physical pain and suffering, mental anguish, loss of enjoyment of life, emotional distress, expenses for hospitalizations and medical treatments, other economic harm that includes, but is not limited to, lost earnings and loss of earning capacity;
4. Awarding actual and compensatory damages;
5. Awarding statutory damages in the maximum amount permitted by law;
6. Awarding exemplary, treble, and/or punitive damages in an amount in excess of the jurisdictional limits;
7. Awarding reasonable attorneys' fees;
8. Awarding experts' fees;
9. Awarding costs of litigation;
10. Awarding pre-judgment and post-judgment interest at the lawful rate; and
11. Any other relief as this court may deem equitable and just, or that may be available.

1 Dated: October 20, 2022

2 **SIMMONS HANLY CONROY LLC**

3 By: /s/ Deborah Rosenthal  
4 Deborah Rosenthal SBN 184241  
5 drosenthal@simmonsfirm.com  
6 455 Market Street, Suite 2220  
7 San Francisco, CA 94105  
8 Tel.: (415) 536-3986

**SIMMONS HANLY CONROY LLC**

By: /s/ Jayne Conroy  
Jayne Conroy (*pro hac vice*)\*  
jconroy@simmonsfirm.com  
Justin Presnal (*pro hac vice*)\*  
jpresnal@simmonsfirm.com  
112 Madison Avenue, 7th Floor  
New York, NY 10016  
Tel.: (212) 784-6400

9  
10  
11 \* Ms. Conroy is admitted to practice and in good standing in the United States District Court for  
12 the Southern District of New York, among others. Mr. Presnal is admitted to practice and in good  
13 standing in the United States District Court for the Southern District of Texas, among others.  
14 Pursuant to the Court's Order Setting Initial Scheduling Conference (Dkt. 2, at 5(b)), Ms. Conroy  
15 and Mr. Presnal understand they are admitted *pro hac vice* in this litigation, but will of course  
16 submit whatever other information is necessary to request *pro hac vice* admission.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28